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ABSTRACT

This document, containing 22 statements and reports, presents the policies of the American Association of University Professors (AAUP) in 7 major areas. In (I) "Academic Freedom, Tenure, and Due Process," there is a statement of principles and statements and reports on dismissal proceedings, nonreappointment notices, extramural utterances, institutional regulations, political activities, national security, tenure, and retirement. In (II) "College and University Government," there is a general policy statement and statements on institutional investigations, economic interests, and strike participation. In (III) "Professional Ethics," there is a general policy statement and statements on recruitment, resignation, and late resignation. In (IV) "Student Rights and Freedoms," the "Joint Statement on Rights and Freedoms of Students" is included. In (V) "College and University Accreditation," there is a statement entitled "The Role of the Faculty in Accrediting of Colleges and Universities." In (VI) "Research and Teaching," there are statements on instructional television and government-sponsored research. In (VII) "Collateral Benefits," there are statements on retirement, insurance plans, and leaves of absence. All of the statements and reports were published in the AAUP Bulletin between 1965 and 1969 and specific citations are made. The AAUP Constitution is included. The publication is available from AAUP, One Dupont Circle, Washington, D.C. 20036 ($2.00). (DS)

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POLICY DOCUMENTS AND REPORTS

OF THE
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

September 1969

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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Introduction

Nowhere is the leadership of the American Association of University Professors better exemplified than in the steady acceptance by the academic community of the Association's standards for responsible practice. This volume presents in convenient format the wide range of policies as they have been determined by the Association's national Council and by the Annual Meeting of the membership, working with the assistance of standing and special committees and at times in cooperation with other organizations.

An especially significant document for persons interested in Association procedures on matters of academic freedom and tenure is the Handbook, *Academic Freedom and Tenure*, edited by Louis Joughin, a senior member of the Washington Office staff. It was first published by the University of Wisconsin Press in 1967. The revised edition appeared in 1969. Of special importance in that volume is the description of model case procedure available in the event that a member of the profession brings to the attention of the Association's General Secretary a complaint alleging violation of academic freedom or tenure.

The names of the Association's officers, Council, and staff are printed each quarter on the reverse of the title page of the *AAUP Bulletin*. Association committees and their membership are listed in each winter issue of the *Bulletin*. An examination of the AAUP Constitution (reprinted in this volume), together with the Council, staff, and commitee rosters noted above, offers a convenient outline of the Association's structure.

Active membership in the AAUP is open to teachers and research scholars holding faculty status in accredited institutions, or in institutions which are candidates for accreditation, if their appointments are for at least one year and their work consists of at least one-half time teaching in courses accepted for an academic degree, or of half-time research. Librarians and department chairmen with faculty status are eligible even though they do not teach; counselors and staff members of university presses are eligible if they hold faculty status bestowed by faculty action. Other classes of membership are: *Junior*, for persons presently or within the past five years enrolled in graduate studies in an approved institution and not otherwise eligible for Active membership; *Associate*, reserved for Active or Junior members who become administrative officers with less than half-time teaching or research; and finally *Emeritus*, reserved for members retired for age from teaching or research positions.

Inquiries from persons interested in membership or in the policies supported by AAUP for the community of higher education should be addressed to the Washington or Regional Offices of the Association. Members and nonmembers alike are also referred to local chapter and regional conference leaders for advice and counsel on matters of concern.

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Academic Freedom and Tenure

1940 STATEMENT OF PRINCIPLES

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement, known to the profession as the 1940 *Statement of Principles on Academic Freedom and Tenure,* was officially endorsed by the following organizations in the years indicated:

Association of American Colleges	1941
American Association of University Professors	1941
American Library Association (adapted for librarians)	1946
Association of American Law Schools	1946
American Political Science Association	1947
American Association of Colleges for Teacher Education[1]	1950
American Association for Higher Education[2]	1950
Eastern Psychological Association	1950
American Philosophical Association:	
Western Division	1952
Eastern Division	1953
Southern Society for Philosophy and Psychology	1953
American Psychological Association	1961
American Historical Association	1961
Modern Language Association of America	1961
American Economic Association	1962
American Farm Economic Association	1962
American Philosophical Association, Pacific Division	1962
Midwest Sociological Society	1963
Organization of American Historians[3]	1963
American Philological Association	1963
American Council of Learned Societies	1963
Speech Association of America	1963
American Sociological Association	1963
Southern Historical Association	1963
American Studies Association	1963
Association of American Geographers	1963
Southern Economic Association	1963
Classical Association of the Middle West and South	1964
Southwestern Social Science Association	1964
Archaeological Institute of America	1964
Southern Management Association	1964
American Educational Theatre Association	1964
South Central Modern Language Association	1964
Southwestern Philosophical Society	1964
Council for the Advancement of Small Colleges	1965
Mathematical Association of America	1965
Arizona Academy of Science	1965
American Risk and Insurance Association	1965
Academy of Management	1965
American Catholic Historical Association	1966
American Catholic Philosophical Association	1966
Association of State Colleges and Universities	1966
Association for Education in Journalism	1966
Western History Association	1966
Mountain-Plains Philosophical Conference	1966
Society of American Archivists	1966
Southeastern Psychological Association	1966
Southern Speech Association	1966
American Association for the Advancement of Slavic Studies	1967
American Mathematical Society	1967
College Theology Society	1967
Council on Social Work Education	1967
American Association of Colleges of Pharmacy	1967
American Academy of Religion	1967
American Catholic Sociological Society	1967
American Society of Journalism School Administrators	1967
The John Dewey Society for the Study of Education and Culture	1967
South Atlantic Modern Language Association	1967
American Finance Association	1967
Catholic Economic Association	1967
United Chapters of Phi Beta Kappa	1968
American Society of Christian Ethics	1968
American Association of Teachers of French	1968
Appalachian Finance Association	1968
Association of Teachers of Chinese Language and Culture	1968
American Society of Plant Physiologists	1968
University Film Association	1968
American Dialect Society	1968
American Speech and Hearing Association	1968
Association of Social and Behavioral Scientists	1968
National College Physical Education Association for Men	1969
American Real Estate and Urban Economics Association	1969
History of Education Society	1969

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher[4] or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

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[1] Endorsed by predecessor, American Association of Teachers Colleges, in 1941.

[2] Formerly the Association for Higher Education, National Education Association.

[3] Formerly the Mississippi Valley Historical Association.

[4] The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on *Academic Freedom* and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

Statement on Procedural Standards in Faculty Dismissal Proceedings

The following *Statement on Procedural Standards in Faculty Dismissal Proceedings* was prepared by a joint committee representing the Association of American Colleges and the American Association of University Professors and was approved by these two associations at their annual meetings in 1958. It supplements the 1940 *Statement of Principles on Academic Freedom and Tenure* by providing a formulation of the "academic due process" that should be observed in dismissal proceedings. The exact procedural standards here set forth, however, "are not intended to establish a norm in the same manner as the 1940 *Statement of Principles on Academic Freedom and Tenure,* but are presented rather as a guide. . . ."

Introductory Comments

Any approach toward settling the difficulties which have beset dismissal proceedings on many American campuses must look beyond procedure into setting and cause. A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely if ever need occur.

Just as the board of control or other governing body is the legal and fiscal corporation of the college, the faculty are the academic entity. Historically, the academic corporation is the older. Faculties were formed in the Middle Ages, with managerial affairs either self-arranged or handled in course by the parent church. Modern college faculties, on the other hand, are part of a complex and extensive structure requiring legal incorporation, with stewards and managers specifically appointed to discharge certain functions.

Nonetheless, the faculty of a modern college constitute an entity as real as that of the faculties of medieval times, in terms of collective purpose and function. A necessary pre-condition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected both in appointments to and in separations from the faculty body.

A well-organized institution will reflect sympathetic understanding by trustees and teachers alike of their respective and complementary roles. These should be spelled out carefully in writing and made available to all. Trustees and faculty should understand and agree on their several functions in determining who shall join and who shall remain on the faculty. One of the prime duties of the administrator is to help preserve understanding of those functions. It seems clear on the American college scene that a close positive relationship exists between the excellence of colleges, the strength of their faculties, and the extent of faculty responsibility in determining faculty membership. Such a condition is in no wise inconsistent with full faculty awareness of institutional factors with which governing boards must be primarily concerned.

In the effective college, a dismissal proceeding involving a faculty member on tenure, or one occurring during the term of an appointment, will be a rare exception, caused by individual human weakness and not by an unhealthful setting. When it does come, however, the college should be prepared for it, so that both institutional integrity and individual human rights may be preserved during the process of resolving the trouble. The faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.

One persistent source of difficulty is the definition of adequate cause for the dismissal of a faculty member. Despite the 1940 *Statement of Principles on Academic Freedom and Tenure* and subsequent attempts to build upon it, considerable ambiguity and misunderstanding persist throughout higher education, especially in the respective conceptions of governing boards, administrative officers, and faculties concerning this matter. The present statement assumes that individual institutions will have formulated their own definitions of adequate cause for dismissal, bearing in mind the 1940 Statement and standards which have developed in the experience of academic institutions.

This statement deals with procedural standards. Those recommended are not intended to establish a norm in the same manner as the 1940 *Statement of Principles on Academic Freedom and Tenure,* but are presented rather as a guide to be used according to the nature and traditions of particular institutions in giving effect to both faculty tenure rights and the obligations of faculty members in the academic community.

Procedural Recommendations

1. Preliminary Proceedings Concerning the Fitness of a Faculty Member

When reason arises to question the fitness of a college or university faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officers should ordinarily discuss the matter with him in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, a standing or *ad hoc* committee elected by the faculty and charged with the function of rendering confidential advice in such situations should informally inquire into the situation, to effect an adjustment if possible and, if none is effected, to determine whether in its view formal proceedings to consider his dismissal should be instituted. If the committee recommends that such proceedings should be begun, or if the president of the institution, even after considering a recommendation of the committee favorable to the faculty member, expresses his conviction that a proceeding should be undertaken, action should be commenced under the procedures which follow. Except where there is disagreement, a statement with reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the president and the faculty committee; if there is disagreement, the president or his representative should formulate the statement.

2. Commencement of Formal Proceedings

The formal proceedings should be commenced by a communication addressed to the faculty member by the president of the institution, informing the faculty member of the statement formulated, and informing him that, if he so requests, a hearing to determine whether he should be removed from his faculty position on the grounds stated will be conducted by a faculty committee at a specified time and place. In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare his defense. The faculty member should be informed, in detail or by reference to published regulations, of the procedural rights that will be accorded to him. The faculty member should state in reply whether he wishes a hearing and, if so, should answer in writing, not less than one week before the date set for the hearing, the statements in the president's letter.

3. Suspension of the Faculty Member

Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, any such suspension should be with pay.

4. Hearing Committee

The committee of faculty members to conduct the hearing and reach a decision should either be an elected standing committee not previously concerned with the case or a committee established as soon as possible after the president's letter to the faculty member has been sent. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. The committee should elect its own chairman.

5. Committee Proceeding

The committee should proceed by considering the statement of grounds for dismissal already formulated, and the faculty member's response written before the time of the hearing. If the faculty member has not requested a hearing, the committee should consider the case on the basis of the obtainable information and decide whether he should be removed; otherwise the hearing should go forward. The committee, in consultation with the president and the faculty member, should exercise its judgment as to whether the hearing should be public or private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the president's letter to the faculty member should be received.

The president should have the option of attendance during the hearing. He may designate an appropriate representative to assist in developing the case; but the committee should determine the order of proof, should normally conduct the questioning of witnesses, and, if necessary, should secure the presentation of evidence important to the case.

The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president. The faculty member should have the additional procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure,* and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or his counsel and the representative designated by the president should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all witnesses adverse to him. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his statements, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

6. Consideration by Hearing Committee

The committee should reach its decision in conference, on the basis of the hearing. Before doing so, it should give opportunity to the faculty member or his counsel and the representative designated by the president to argue orally before it. If written briefs would be helpful, the committee may request them. The committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. It should make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable. Publicity concerning the committee's decision may properly be withheld until consideration has been given to the case by the governing body of the institution. The president and the faculty member should be notified of the decision in writing and should be given a copy of the record of the hearing. Any release to the public should be made through the president's office.

7. Consideration by Governing Body

The president should transmit to the governing body the full report of the hearing committee, stating its action. On the assumption that the governing board has accepted the principle of the faculty hearing committee, acceptance of the committee's decision would normally be expected. If the governing body chooses to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The decision of the hearing committee should either be sustained or the proceeding be returned to the committee with objections specified. In such a case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee's reconsideration should the governing body make a final decision overruling the committee.

8. Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the hearing committee's original action, if this has not previously been made known.

The Standards for Notice of Nonreappointment

(Endorsed by The Fiftieth Annual Meeting)

Because a probationary appointment, even though for a fixed or stated term, carries an expectation of renewal, the faculty member should be explicitly informed of a decision not to renew his appointment, in order that he may seek a position at another college or university. Such notice should be given at an early date, since a failure to secure another position for the ensuing academic year will deny the faculty member the opportunity to practice his profession. The purpose of this Statement is to set forth in detail, for the use of the academic profession, those standards for notice of nonreappointment which the Association over a period of years has actively supported and which are expressed as a general principle in the 1940 *Statement of Principles on Academic Freedom and Tenure.*

The Standards for Notice

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

(1) *Not later than March 1 of the first academic year of service,* if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

(2) *Not later than December 15 of the second academic year of service,* if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

(3) At least twelve months before the expiration of an appointment after two or more years in the institution.

Committee A Statement on Extramural Utterances

The Statement which follows was approved by the Association's Committee A on Academic Freedom and Tenure in October, 1964. Its purpose is to clarify those sections of the 1940 Statement of Principles on Academic Freedom and Tenure *relating to the faculty member's exercise of his freedom of speech as a citizen. The Statement emphasizes the essential considerations and procedures when a faculty member's utterances raise grave doubts concerning his fitness for his position.*

The 1940 Statement of Principles asserts the faculty member's right to speak or write, as citizen, free from institutional censorship or discipline. At the same time it calls attention to the faculty member's special obligations arising from his position in the community: to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every effort to indicate that he is not an institutional spokesman. An interpretation of the 1940 Statement, agreed to at a conference of the AAC and the AAUP held on November 8, 1940, states that an administration may file charges in accordance with procedures outlined in the Statement if it feels that a faculty member has failed to observe the above admonitions and believes that his extramural utterances raise grave doubts concerning his fitness for his position.

In cases involving such charges, it is essential that the hearing should be conducted by an appropriate—preferably elected—faculty committee, as provided in Section 4 of the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.[1] The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his position. Extramural utterances rarely bear upon the faculty member's fitness for his position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar. In the absence of weighty evidence of unfitness, the administration should not prefer charges; and if it is not clearly proved in the hearing that the faculty member is unfit for his position, the faculty committee should make a finding in favor of the faculty member concerned.

Committee A asserts that it will view with particular gravity an administrative or board reversal of a favorable faculty committee hearing judgment in a case involving extramural utterances. In the words of the 1940 Statement of Principles, "the administration should remember that teachers are citizens and should be accorded the freedom of citizens." In a democratic society freedom of speech is an indispensable right of the citizen. Committee A will vigorously uphold that right.

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[1] Section 4 provides:

> The committee of faculty members to conduct the hearing and reach a decision should either be an elected standing committee not previously concerned with the case or a committee established as soon as possible after the president's letter to the faculty member has been sent. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. The committee should elect its own chairman.

1968 Recommended Institutional Regulations on Academic Freedom and Tenure

Recommended Institutional Regulations on Academic Freedom and Tenure *set forth, in language suitable for use by an institution of higher education, rules which derive from the chief provisions and interpretations of the 1940* Statement of Principles on Academic Freedom and Tenure *and of the 1958* Statement on Procedural Standards in Faculty Dismissal Proceedings. *The* Recommended Institutional Regulations *were first formulated by Committee A on Academic Freedom and Tenure in 1957.*

In 1968, after eleven years of further experience in evaluating regulations actually in force at particular institutions, Committee A offers a revised and expanded text. The revision is also based upon further definition of the standards and procedures of the Association as set forth in the 1961 Statement on Recruitment and Resignation of Faculty Members, *the 1964* Statement on the Standards for Notice of Nonreappointment, *and the 1966* Statement on Government of Colleges and Universities. *The Association will be glad to assist in interpretation of the regulations or to consult about their incorporation in, or adaptation to, the rules of a particular college or university.*

Committee A will welcome comment on the 1968 Recommended Institutional Regulations *from Association members, chapters, conferences and other interested persons and organizations.*

FOREWORD

These regulations are designed to enable the [named institution] to protect academic freedom and tenure and the requirements of academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the institution. A college or university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

1. *Statement of Terms of Appointment*

(a) The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.

(b) With the exception of special appointments clearly limited to a brief association with the institution, and reappointments of retired faculty members on special conditions, all full-time appointments to the rank of instructor or higher are of two kinds: (1) probationary appointments; (2) appointments with continuous tenure.

(c) Except for faculty members who have tenure status, every person with a teaching or research appointment of any kind will be informed each year in writing of his appointment and of all matters relative to his eligibility for the acquisition of tenure.

2. *Probationary Appointments*

   (a) Probationary appointments may be for one year, or for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of continuous tenure will not exceed ———years,[1] including all previous full-time service with the rank of instructor or higher in other institutions of higher learning, [*except* that the probationary period may extend to as much as four years, even if the total full-time service in the profession thereby exceeds seven years; the terms of such extension will be stated in writing at the time of initial appointment.][2] Except as provided in Regulation 12, time spent on leave of absence will count as probationary period service, unless the individual and institution agree to the contrary at the time leave is granted.

   (b) Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of his appointment, as follows: (1) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than—————.[3]

3. *Termination of Appointment by the Faculty Member*

   A faculty member may terminate his appointment effective at the end of an academic year, provided that he gives notice in writing at the earliest possible opportunity, but not later than May 15, or 30 days after receiving notification of the terms of his appointment for the coming year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he would otherwise be denied substantial professional advancement or other opportunity.

4. *Termination of Appointments by the Institution*

   (a) Termination of an appointment with continuous tenure, or of a special or probationary appointment before the end of the specified term, may be effected by the institution only for adequate cause.

   (b) If termination takes the form of a dismissal, it will be pursuant to the procedure specified in Regulation 5.

   (c) Where termination of appointment is based upon financial exigency, or bona fide discontinuance of a program or department of instruction, Regulation 5 will not apply, but faculty members shall be able to have the issues reviewed by the faculty, or by the faculty's grievance committee, with ultimate review of all controverted issues by the governing board. In every case of financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice as soon as possible, and never less than 12 months' notice, or in lieu thereof he will be given severance salary for 12 months. Before terminating an appointment because of the abandonment of a program or department of instruction, the institution will make every effort to place affected faculty members in other suitable positions. If an appointment is terminated before the end of the period of appointment, because of financial exigency, or because of the discontinuance of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

   (d) Termination of a tenured appointment, or of a nontenured or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Committee on Academic Freedom and Tenure [or whatever title it may have] before a final decision is made by the governing board on the recommendation of the President of the institution.

5. *Dismissal Procedures*

   (a) Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in his professional capacity as a teacher or researcher. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

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[1] [Under the 1940 *Statement of Principles on Academic Freedom and Tenure,* this period may not exceed seven years.]

[2] [The exception here noted applies only to an institution whose maximum probationary period exceeds four years.]

[3] [April 15 is the recommended date.]

(b) Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the duly elected faculty committee [insert name of committee] which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or his delegate.

(c) A dismissal, as defined in Regulation 5 (a), will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the elected faculty hearing committee [insert name of committee].[4] A member will remove himself from the case, either at the request of a party or on his own initiative, if he deems himself disqualified for bias or interest. Each party will have a maximum of two challenges without stated cause.[5]

(1) Service of notice of hearing with specific charges in writing will be made at least 20 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.

(2) The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

(3) During the proceedings the faculty member will be permitted to have an academic advisor and counsel of his own choice.

(4) At the request of either party or the hearing committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

(5) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost to him, at his request.

(6) The burden of proof that adequate cause exists rests with the institution, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

(7) The hearing tribunal will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(8) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the institution will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

(9) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the committee determines that the interests of justice require admission of his statement, the committee will identify the witness, disclose his statement and if possible provide for interrogatories.

(10) In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.

(11) The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

(12) The findings of fact and the decision will be based solely on the hearing record.

(13) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

(14) If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, he will state his reasons for doing so, in writing, to the hearing committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

6. *Action by the Governing Board*

If dismissal or other penalty is recommended, the

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[4] [This committee should not be the same as the committee referred to in Regulation (5b) (2).]

[5] [Regulations of the institution should provide for alternates, or for some other method of filling vacancies on the hearing committee resulting from disqualification, challenge without stated cause, illness, resignation, or any other reason.]

President will, on request of the faculty member, transmit to the governing board the record of the case. The governing board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the hearing committee will either be sustained, or the proceeding returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The governing board will make a final decision only after study of the committee's reconsideration.

7. *Suspensions*

Until the final decision upon termination of an appointment has been reached, the faculty member will be suspended, or assigned to other duties in lieu of suspenion, only if immediate harm to himself or others is threatened by his continuance. Before suspending a faculty member, pending an ultimate determination of his status through the institution's hearing machinery, the administration will consult with the Faculty Committee on Academic Freedom and Tenure [or whatever other title it may have]. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal, and will be dealt with as such. Salary will continue during the period of suspension.

8. *Terminal Salary or Notice*

If the appointment is terminated, the faculty member will receive his salary or notice in accordance with the schedule of notice to which he is entitled under Regulation 2 (b), or, if he has tenure, for at least one year. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the faculty hearing committee or the President, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

9. *Academic Freedom*

All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure,* formulated by the Association of American Colleges and the American Association of University Professors.

10. *Academic Freedom of Nontenured Faculty*

If a faculty member on probationary or other nontenured appointment alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him, his allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. His allegation shall be accompanied by a statement that he agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulation 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which he bases his allegations, and the burden of proof shall rest upon him. If he succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision.

11. *Administrative Personnel*

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Where an administrator alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate his appointment to his administrative post, or not to reappoint him, he is entitled to the procedures set forth in Regulation 10.

12. *Political Activities of Faculty Members*

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence shall be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.[6]

[*NOTE.* Regulations 13, 14, and 15 are suggested in tentative form, and will require adaptation to the specific structure and operations of the institution; the provisions as recommended here are intended only to indicate the nature of the provisions to be included, and not to offer specific detail.]

13. *Graduate Student Academic Staff*

(a) In no case will a graduate or teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

(b) With respect to the nonreappointment of a graduate or teaching assistant who establishes a *prima facie* case to the satisfaction of a duly constituted committee that a consideration violative of academic freedom significantly contributed to the nonreappointment, he will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.

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[6] [See the Association's *Statement on Professors and Political Activity.*]

14. *Other Academic Staff*

(a) In no case will a member of the academic staff[7] who is not otherwise protected by the preceding regulations which relate to dimissal proceedings be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

(b) With respect to the nonreappointment of a member of such academic staff who establishes a *prima facie* case to the satisfaction of a duly constituted committee that a consideration violative of academic freedom significantly contributed to the nonreappointment, he will be given a statement of reasons by those responsible for the nonreappointment and an opportunity to be heard by the committee.

15. *Grievance Procedure*

If any faculty member feels that he has cause for grievance in any matter other than dismissal proceedings—such matters as salaries, assignment of teaching duties, assignment of space or other facilities, and propriety of conduct—he may petition the elected faculty grievance committee [here name the committee] for redress. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any factual or other data which the petitioner deems pertinent to his case. The committee will have the right to decide whether or not the facts merit a detailed investigation. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer and faculty body [here identify], and the petitioner will, at his request, be provided an opportunity to present his case to them.

The grievance committee will consist of three [or some other number] members of the faculty who have tenure and who are elected at large. No department chairman or administrative officer shall serve on the committee.

Note on Implementation

The Recommended Institutional Regulations here presented will require for their implementation a number of structural arrangements and agencies. For example, the Regulations will need support by:

(a) channels of communication between all the involved components of the institution, and between them and a concerned faculty member,

(b) definitions of corporate and individual faculty status within the college or university government, and of the role of the faculty in decisions relating to academic freedom and tenure,

(c) appropriate procedures for the creation and operation of faculty committees, with particular regard to the principles of faculty authority and responsibility.

The forms which these supporting elements assume will of course vary from one institution to another. Consequently, no detailed description of the elements is attempted in these Recommended Institutional Regulations. With respect to the principles involved, guidance will be found in the 1966 *Statement on Government of Colleges and Universities,* jointly formulated by the American Council on Education, the Association of Governing Boards of Universities and Colleges, and the American Association of University Professors.

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[7] [Each institution should define with particularity who are members of the academic staff.]

Statement on Professors and Political Activity

The Statement which follows was prepared by a subcommittee of Committee A on Academic Freedom and Tenure and approved by Committee A. It was approved by the Council of the American Association of University Professors in May, 1969, and endorsed by the Fifty-fifth Annual Meeting as Association policy.

I. Introduction

The institutional regulations of many colleges and universities govern the participation of professors in political activity and public office holding. These regulations vary from absolute prohibitions against holding public office, campaigning for public office, or participating in the management of political campaigns, to requirements that professors engaging in such political activities merely inform administrative authorities in the college or university of their activities.

Some idea of the variety of regulations is suggested by the following examples. A large private institution in the Southwest states that when a member of the faculty accepts "appointment to or becomes a candidate for any public office whatever" his connection with the university is "automatically severed." A state university in the South declares that when any staff member "becomes a candidate for public office or takes an active part in the support of any political party or a candidate for office, he thereby automatically severs his connection with the university." A state college in the Northwest prohibits its faculty and other employees from holding "any political party office" or participating in the "management of a partisan political campaign." A less common regulation is found at a Midwestern state university which requires nontenured faculty members to resign before seeking full-time public office but allows a faculty member on tenure to request a leave of absence. This same university allows political activity only in parties that are qualified to place candidates on the ballot in that state. Given the widespread tendency of states to make it difficult for "third parties" to get on the ballot, such a regulation could prove to be very restrictive.

Some institutions allow participation only in local political activities. For example, one Southern state university requires a professor to resign before participating in a political campaign, as a candidate or manager, for state or federal office, but permits political activity at the local level. Other institutions prohibit professors from seeking or holding salaried public office but, by implication at least, permit them to hold nonpaying positions. One Southern state has such a regulation for all its public institutions of higher education. One university in that system, however, also prohibits holding appointive or elective public office without pay. One private university in the far West allows faculty members to hold remunerative part-time public offices while their university salaries are continued, but requires that they turn over to the university all compensation received for serving in the public office.

A number of colleges and universities require that professors obtain permission from administrative officers before engaging in political activity. Very few of those with such requirements specify the terms under which such permission will be granted or withheld, thus allowing for arbitrary decisions. Other institutions simply require that administrative officers be informed of the intent to seek or accept appointment to public office. A number of colleges and universities, public and private, have regulations which conform to the principles stated below.

Some institutional regulations make reference to federal law governing political activities of federal employees, since faculty members frequently receive federal funds. There seems to be some misunderstanding of the relevance of this law. The federal Hatch Act prohibits federal employees and employees of state and local agencies paid wholly or in part from federal funds, among other things, to "take any active part in political management or political campaigns." It was amended in 1942 to exempt explicitly from this quoted provision and certain others not involving oppressive or corrupt conduct "any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Territorial possession of the United States; or by any recognized religious, philanthropic, or cultural organization," even though payment of salaries comes from federal funds. This amendment, which was stated to embody the original understanding and intent of Congress, was supported by expressions of confidence in the teaching profession and of the value attached to political activity by its members, subject to proper state, local, and institutional limitations.

Some states, in laws designed to restrict the political activities of state employees, have not been as clear as the federal Hatch Act in excluding from the terms of such laws the employees of educational institutions. Thus, some of these laws are ambiguous regarding the freedom of professors in public institutions to engage in political activity. For example, the statutes of one state say that "Contributions to aid the election of any other person to public office shall not be made or accepted by holders of nonelective public positions." Another state prohibits a holder of a public office not filled by election from contributing to the election of any person to public office or party position.

In view of the range and variety of institutional and legislative restrictions on political activities of professors, there is a need for a definition of rights and obligations in this area. The following statement is offered as a guide to practice. It is hoped that colleges and universities will formulate and publish regulations consistent with these principles, through the appropriate agencies of the faculty, administration, and governing board.

Statement

1. The college or university faculty member is a citizen and, like other citizens, should be free to engage in political activities so far as he is able to do so consistently with his obligations as a teacher and scholar.

2. Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state legislature, or serving a limited term in a full-time position) may require that the professor seek a leave of absence from his college or university.

3. In recognition of the legitimacy and social importance of political activity by faculty members, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.

4. A faculty member seeking leave should recognize that he has a primary obligation to his institution and to his growth as an educator and scholar; he should be mindful of the problem which a leave of absence can create for his administration, his colleagues, and his students; and he should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in his favor are made, such as a reduction of workload, he should expect them to be limited to a reasonable period.

5. A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.

Academic Freedom and Tenure in the Quest for National Security

A special committee, appointed by authority of the Council in 1955, presented the following report to the Council in 1956. The second section of the report, "Relevant General Principles," was adopted by the Council as its own statement, and these principles were then adopted by the 1956 Annual Meeting. A preceding section was introductory in nature and a following section presented a record of particular events and a group of specific recommendations.

Subsequent to the 1956 adoption of the "Relevant General Principles" of the report of the special committee, Committee A spent much time in an effort to clarify the position to be defended when a faculty member refuses to make disclosures to his own institution. The result, printed in the Spring, 1958, issue of the AAUP Bulletin, *was "A Statement of the Committee on Academic Freedom and Tenure, Supplementary to the 1956 Report, 'Academic Freedom and Tenure in the Quest for National Security' "; this statement is printed here immediately following the 1956 "Relevant General Principles."*

RELEVANT GENERAL PRINCIPLES

1. The justification of academic freedom

The maintenance of freedom of speech, publication, religion, and assembly (each of which is a component of intellectual freedom) is the breath of life of a democratic society. The need is greatest in fields of higher learning, where the use of reason and the cultivation of the highest forms of human expression are the basic methods. To an increasing extent, society has come to rely upon colleges and universities as a principal means of acquiring new knowledge and new techniques, of conveying the fruits of past and present learning to the community, and of transmitting these results to generations to come. Without freedom to explore, to criticize existing institutions, to exchange ideas, and to advocate solutions to human problems, faculty members and students cannot perform their work, cannot maintain their self-respect. Society suffers correspondingly. The liberty that is needed requires a freedom of thought and expression within colleges and universities, a freedom to carry the results of honest inquiry to the outside, and a freedom to influence human affairs in the same manner as other informed and unprejudiced persons do. Nor is the value of freedom lessened because error at times arises from its exercise. Learning, intellectual development, and social and scientific progress take place on a trial-and-error basis, and even the unsound cause or hypothesis may call forth the truth that displaces it. The error of one scholar has, indeed, stimulated others to discover the correcting truth.

The demand we of the academic world make for academic freedom is not made primarily for our own benefit. We enjoy the exercise of freedom; but the purposes of liberty lie, in a democracy, in the common welfare. It has recently been said, "With regard to some occupations, it is eminently in the interest of society that the men concerned speak their minds without fear of retribution. . . . The occupational work of the vast majority of people is largely independent of their thought and speech. The professor's work *consists* of his thought and speech. If he loses his position for what he writes or says, he will, as a rule, have to leave his profession, and may no longer be able effectively to question and challenge accepted doctrines or effectively to defend challenged doctrines. And if *some* professors lose their positions for what they write or say, the effect on many other professors will be such that their usefulness to their students and to society will be gravely reduced." [1]

We ask, then, for the maintenance of academic freedom and of the civil liberties of scholars, not as a special right, but as a means whereby we may make our appointed contribution to the life of the commonwealth and share equitably, but not more than equitably, in the American heritage. Society has the power to destroy or impair this freedom; but it cannot do so and retain the values of self-criticism and originality fostered by higher education. Again, in the words of the Princeton University Chapter:

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[1] Fritz Machlup, "On Some Misconceptions Concerning Academic Freedom," *Bulletin*, Winter, 1955.

> The spirit of free inquiry is not a privilege claimed for a single profession, but the touchstone of our character as a people, the proved source of our national strength. Its defilement in any area of our society is a threat to the entire body politic. . . .
>
> As teachers, loyal to the country and to the ideal of free inquiry which has sustained our nation's material, humanitarian, and spiritual progress, we cannot fail to condemn any inimical force whether proceeding from an avowed enemy or from a misguided friend within. In doing so we take our guidance from our conscience, from our sense of justice, and from the convictions of one of our Founding Fathers, who declared: "The opinions of men are not the object of civil government, nor under its jurisdiction" and "to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy." This belief was purchased through centuries of struggle extending far back into history beyond the discovery of the New World, but when enacted into law in the infancy of our nation was greeted in the Old World as "an example of legislative wisdom and liberality never before known." It would be one of the supreme ironies of history and one of the greatest tragedies if the confidence we exhibited in the weakness of youth should be destroyed through fear in the strength of our maturity.

2. The claims of military security

We accept unhesitatingly the application to colleges and universities of needed safeguards against the misuse of specially classified information important for military security, to the extent to which these are applied elsewhere. We insist, however, that these safeguards should extend only to persons who have access to such information; in no degree do they justify the proscription of individuals because of their beliefs or associations, unless these persons were knowingly participants in criminal acts or conspiracies, either in the past or at present. Inquiry into beliefs and associations should be restricted to those that are relevant to the discovery of such actual or threatened offenses.

3. Vigilance against subversion of the educational process

The academic community has a duty to defend society and itself from subversion of the educational process by dishonest tactics, including political conspiracies to deceive students and lead them unwittingly into acceptance of dogmas or false causes. Any member of the academic profession who has given reasonable evidence that he uses such tactics should be proceeded against forthwith, and should be expelled from his position if his guilt is established by rational procedure. Instances of the use of such tactics in the past by secret Communist groups in a few institutions seem to have occurred, and vigilance against the danger of their occurrence in the future is clearly required.

4. Disclaimer oaths and general investigations of college and university teachers

Nothing in the record of college and university teachers as a group justifies the imputation to them of a tendency toward disloyalty to the government or toward subversive intent with respect to the nation's institutions. In this regard they are not different from all other people. We deplore the entire recent tendency to look upon persons or groups suspiciously and to subject their characters and attitudes to special tests as a condition of employing them in responsible positions. This country's greatness is founded upon a belief in the individual's importance and upon a trust in his ability and worthiness to serve his fellow-men in accordance with his capacity. Only by gross misconduct, proved by means of due process, should the right to this trust be lost, and then only to the extent necessary to defend the common interest. The confidence reposed in the individual and in his integrity, and the independence of decision and action granted him, have been vindicated throughout our history by the loyalty of our citizens, and by their willingness to make sacrifices in times of crisis. With infrequent exceptions, even those who have pursued false causes and have seemed at times to threaten the nation's fundamental principles have done so, as history generally recognizes, out of concern for the general welfare as they saw it.

For all these reasons, and because of the unhappy disruption of normal academic work which extreme actions in the name of security entail, as well as because of their evident fruitlessness, we oppose the imposition of disclaimer oaths, whereby individuals are compelled to swear or affirm that they do not advocate or have not advocated, or that they are not or have not been members of any organizations which advocate, overthrow of the government. For similar reasons, we oppose investigations of individuals against whom there is no reasonable suspicion of illegal or unprofessional conduct or of an intent to engage in such conduct. On the same grounds we oppose legislation which imposes upon supervisory officials the duty to certify that members of their staffs are free of subversive taint. We particularly object to these measures when they are directed against members of the academic profession as a special class apart from the population as a whole. Not only is the stigma of such a discrimination unjustified, but the application of these discriminatory measures denies the particular need for freedom from pressures and restrictions, which is a productive requirement of the academic profession and, for similar reasons, of lawmakers, judges, clergymen, journalists, and the members of certain other professions. We urge the academic profession not to be lulled, by the hope of possible nonenforcement or by a merely routine application of these measures, into an acquiescence in their maintenance as "paper" requirements. They should not be tolerated even as relics from which life might appear to have departed; for they would not only be an evil heritage unworthy of our traditions and our goals; their revivification would always be an ugly possibility. They should be steadfastly opposed until they are eliminated. At the same time, we cannot condemn educational institutions or teachers for yielding to the constraint of laws embodying such requirements, even though we regard the laws containing them as pernicious.

5. Grounds of adverse action

Action against a faculty member cannot rightly be taken on grounds that limit his freedom as an individual, as a member of the academic community, or as a teacher and scholar. This principle was defined in the 1940 *Statement of Principles on Academic Freedom and Tenure,* adopted by the Association of American Colleges and the American Association of University Professors and approved since by other organizations. Implicit in that Statement is the proposition (rendered explicit in later reports of committees of the American Association of University Professors and resolutions of its Annual Meetings) that a faculty member's professional fitness to continue in his position, considered in the light of other relevant factors, is the question to be determined when his status as a teacher is challenged. No rule demanding removal for a specific reason not clearly determinative of professional fitness can validly be implemented by an institution, unless the rule is imposed by law or made necessary by the institution's particular religious coloration. Any rule which bases dismissal upon the mere fact of exercise of constitutional rights violates the principles of both academic freedom and academic tenure. By eliminating a decision by a faculty member's peers, it may also deny due process. This principle governs the question of dismissal for avowed past or present membership in the Communist Party taken by itself. Removal can be justified only on the ground, established by evidence, of unfitness to teach because of incompetence, lack of scholarly objectivity or integrity, serious misuse of the classroom or of academic prestige, gross personal misconduct, or conscious participation in conspiracy against the government. The same principle applies, *a fortiori,* to alleged involvement in Communist-inspired activities or views, and to refusal to take a trustee-imposed disclaimer oath.

6. Refusal to testify as ground for removal

It follows that the invocation of the Fifth Amendment by a faculty member under official investigation cannot be in itself a sufficient ground for removing him. The Amendment's protection is a constitutional privilege. The exercise of one's constitutional privilege against self-incrimination does not necessarily or commonly justify an inference of criminal guilt; and even if it were to be ruled otherwise, it would not follow that the loss of an academic position should automatically result from a legal offense, whether proved in court or established by inference, without consideration of the relation of the offense to professional fitness. Invocation of the Fifth Amendment is to be weighed with an individual's other actions in passing a judgment on him. The same may be said with regard to refusals to testify on other grounds, such as the assertion of a right of silence thought to be conferred by the free-speech provision of the First Amendment, or because of a claim of lack of authority in the investigating body, an unwillingness to inform upon other persons, or a reluctance to cooperate in an investigation deemed oppressive or dangerous to the public interest.

7. Grounds for preliminary inquiry by an employing institution

The administrations of colleges and universities should, of course, take note of indications of the possible unfitness of faculty members. If a faculty member invokes the Fifth Amendment when questioned about Communism, or if there are other indications of past or present Communist associations or activities, his institution cannot ignore the possible significance for itself of these matters. There is then a possibility of his involvement in activities subversive of education itself, or otherwise indicative, to an important degree, of his unfitness to teach. As in other instances of possible unfitness, preliminary inquiry into this possibility is warranted and can become a duty. The aid of other faculty members may be sought in such an inquiry; but the inquiry should be confidential in so far as possible, and should not be substituted for the hearing to which the faculty member has a right if formal charges are brought against him. If, after consideration of a faculty member's whole career, as well as the circumstances surrounding his invocation of the Fifth Amendment, probable cause to believe that he may be unfit is not disclosed, the matter should end at this stage; but if probable cause for belief in his unfitness is shown, charges leading to a formal hearing should be brought.

8. Procedural due process in tenure cases

The principles of procedural due process contained in the 1940 Statement of Principles are as applicable to instances in which a faculty member's tenure is challenged by his institution or its officials on grounds related to loyalty, national security, or alleged connections with Communism, as they are to instances of challenge on other grounds. Whenever charges are made against a faculty member with a view to his removal, he has a right to a fair hearing, to a judgment by his academic peers before adverse action is taken, and to a decision based on the evidence. The principal elements of due process in such proceedings are set forth in the 1940 Statement of Principles, while other procedures, the need for which appears in some of the situations this committee has reviewed, are still to be specified.

There should be adequate faculty participation in any such proceedings, although no particular form of faculty participation or means to assure it is stipulated in the principles as now stated. It is an important safeguard that whatever procedure is used should be one that the faculty of the institution has itself endorsed prior to the occurrence of the case. It is desirable to have procedural matters vested in a standing committee chosen in advance to deal with matters of academic freedom and tenure; *ad hoc* committees may be subject to manipulation or to the suspicion of it. Faculty members should be willing to accept the difficult responsibility of serving on such committees and, when cases are presented, should accept the painful need to reach decisions. On occasion, problems have arisen because faculty committees have defaulted in their responsibility to render unequivocal advice to administrative officers and trustees.

Public hearings before committees with power to recommend or decide are not regarded as desirable. The accused faculty member should be permitted, however, to have persons of his choice present along with counsel;

and observers from legitimately interested outside groups, such as the American Association of University Professors, should also be permitted to attend. In accordance with established principles of justice, the burden of proof should rest upon the administrative officer bringing the charge, and should not be placed on the faculty member, whether he is being heard for invoking the Fifth Amendment or for other reasons. Because such hearings are not legal trials but are processes of a more informal sort, and the purpose is to establish clearly the fitness or unfitness of a particular person to teach, the introduction of new issues during the course of the hearings is not inconsistent with due process, provided sufficient opportunity to meet these issues is afforded. The decision should be based solely on evidence disclosed at the hearing.

9. The faculty member's obligation of disclosure

The fact that a faculty member has refused to disclose information to his own institution is relevant to the question of fitness to teach, but not decisive. If the refusal appears to be based upon evasiveness and a desire to withhold evidence of illegal conduct which would disqualify him as a member of the faculty, the refusal would be a weighty adverse factor. On the other hand, a refusal to answer questions which arises from a sincere belief that a teacher is entitled to withhold even from his own institution his political and social views should be accorded respect and should be weighed with other factors in the determination of his fitness to teach. Nevertheless, members of the teaching profession should recognize that sincerity cannot be judged objectively and that a college or university is entitled to know the facts with which it must deal. This is especially true when a faculty member's activities, whether or not they are blameworthy, have resulted in publicity hurtful to his institution. Accordingly, in any proper inquiry by his institution, it is the duty of a faculty member to disclose facts concerning himself that are of legitimate concern to the institution, namely, those that relate to his fitness as a teacher, as enumerated above in the sections, Grounds of Adverse Action, and Grounds for Preliminary Inquiry by an Employing Institution. This obligation diminishes if the institution has announced a rigid policy of dismissal in such a way as to prejudge the case.

We are aware that statements made by a faculty member to his institution are not legally privileged and that his interrogators may be compelled in a later official proceeding to testify that he made them. If such statements tend to incriminate him, he may in effect lose the protection of the Fifth Amendment. But we believe that the institution's right to know facts relevant to fitness to teach should prevail over this consideration.

10. Suspension

Suspension of a faculty member during the time of inquiry and decision by the institution is justified only in certain instances in which the reasons for proceeding render it highly probable not only that he is unfit to continue as a faculty member but that his unfitness is of a kind almost certain to prejudice his teaching or research. Even in such instances, the suspension should be with full salary. By his own desire the faculty member may, of course, be temporarily relieved of his duties in order to prepare his defense.

11. Faculty members not on tenure

Academic freedom should be accorded not only to faculty members with tenure but also, during the terms of their appointments, to others with probationary or temporary status who are engaged in teaching or research. Moreover, neither reappointment nor promotion to tenure status should be denied, nor any other adverse action taken, for reasons that violate academic freedom. Dismissal or other adverse action prior to the expiration of a term appointment requires the same procedures as does the dismissal of a faculty member with tenure; but no opportunity for a hearing is normally required in connection with failure to reappoint. If, however, there are reasonable grounds to believe that a nontenure staff member was denied reappointment for reasons that violate academic freedom, there should be a hearing before a faculty committee. In such a hearing the burden of proof is on the persons who assert that there were improper reasons for the failure to reappoint. If a *prima facie* case of violation of academic freedom is made, the administration of the institution is then required to come forward with evidence in rebuttal.

A Statement of the Committee on Academic Freedom and Tenure

Supplementary to the 1955 Report, "Academic Freedom and Tenure in the Quest for National Security"

Recent decisions of the United States Supreme Court, recognizing the validity of legally based assertions of the right to remain silent under a variety of circumstances, or declaring the invalidity of official action adverse to an individual because of his refusal to yield information about his possible Communist connections, go far to justify the position taken by the Association's Special Committee on these matters in its report, "Academic Freedom and Tenure in the Quest for National Security," which was published in the Spring, 1956, issue of the *AAUP Bulletin* and was approved by the Association's Council and Forty-second Annual Meeting. Some of these involve situations closely analogous to academic dismissal proceedings.[1]

Several of the reports of investigating committees [not published here] deal with cases in which dismissed faculty members followed their refusals to answer questions before Congressional committees with refusals to make disclosures to representatives of their own institutions, when their previous conduct gave rise to questions. These cases may be visualized as falling into a spectrum extending from a complete refusal to discuss questions dealing with political or social views or associations, to the most complete willingness to answer all such questions even in a formal, open hearing. At one end of the spectrum, that of complete refusal to answer questions of this type on the claim of principle, is found the case of Professor Stanley Moore at Reed College. To this may be added the case of Professor Horace B. Davis at the University of Kansas City, already published in the *AAUP Bulletin* (April, 1957, Supplement) but not yet acted upon by the Association. Farther down the spectrum is the stand of Professor L. R. LaVallee at Dickinson College, who seems to have answered questions relating to previous political associations in certain private conferences but bluntly refused to answer similar questions in his hearing. Two cases fall near the middle of the spectrum. One is the case of Dr. H. Chandler Davis at the University of Michigan, who answered some questions relating to his integrity, but declined to answer questions directed toward his political views. The other is that of Associate Professor Edwin Berry Burgum, at New York University, who in his hearing denied any corrupting influence of his alleged Communist connections, any advocacy of violent overthrow of the government, or any dictation of his views by an outside source; but who nevertheless refused to answer certain other questions regarding his political views and activities, and in particular concerning his possible engagement in recruiting students into the Communist Party. Farther toward the end marked by compliance with questioning is the special case of Professor Alex B. Novikoff, at the University of Vermont. Professor Novikoff answered frankly all questions relating to the period dating from his appointment to the University, but he refused to discuss questions directed at certain associations alleged to have existed in earlier years. Yet ultimately he offered to answer even these questions if his testimony could be made off the record in private instead of public hearing, an offer which the board of hearing did not see fit to accept. Finally, at the extreme of the spectrum, is the case of Associate Professor Mark Nickerson, at the University of Michigan. Professor Nickerson undertook to answer all questions directed to him.

It may be further noted that in the case of Mr. Andries Deinum, at the University of Southern California, no opportunity at all was given him to answer questions or charges or to have a hearing. In the early case of Associate Professor Lyman Bradley, at New York University, there was, on the other hand, a hearing on charges, but refusal to answer, or lack of candor toward college authorities, did not become an issue. These cases may be regarded as extending the two ends of the spectrum into the invisible.

Each case mentioned here expresses the judgment of its authors upon the situation presented, when judged in the light of Association principles still undergoing refinement and application. Committee A has been charged with the function of elaborating those principles on the basis of further thought and of the experience reflected in these reports. It is first desirable to restate pertinent passages from the 1956 Report of the Special Committee, as follows:

> The administrations of colleges and universities should, of course, take note of indications of the possible unfitness of faculty members. If a faculty member invokes the Fifth Amendment when questioned about Communism, or if there are other indications of past or present Communist associations or activities, his institution cannot ignore the possible significance for itself of these matters. There is then a possibility of his involvement in activities subversive of education itself, or otherwise indicative, to an important degree, of his unfitness to teach. As in other instances of possible unfitness, preliminary inquiry into this possibility is warranted and can become a duty. The aid of other faculty members may be sought in such an inquiry; but the inquiry should be confidential in so far as possible, and should not be substituted for the hearing to which the faculty member has a right if formal charges are brought against him. If, after consideration of a faculty member's whole career, as well as the circumstances surrounding his invocation of the Fifth Amendment, probable cause to believe that he may be unfit is not disclosed, the matter should end at this stage; but if probable cause for belief in his unfitness is shown, charges leading to a formal hearing should be brought.
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> . . . [T]he invocation of the Fifth Amendment by a faculty member under official investigation cannot be in itself a sufficient ground for removing him. The Amendment's protection is a constitutional privilege. The exercise of one's constitutional privilege against self-incrimination does not necessarily or commonly justify an inference of criminal guilt; and even if it were to be ruled otherwise, it would not follow that the loss of an academic position should automatically result from a legal offense, whether proved in court or established by inference, without consideration of the relation of the offense to professional fitness. Invocation of the Fifth Amendment is to be weighed with an individual's other actions in passing a judgment on him. The same may be said with regard to refusals to testify on other grounds, such as the assertion of a right of silence thought to be conferred by the free-speech provision of the First Amendment, or because of a claim of lack of authority in the investigating body, an unwillingness to inform upon other persons, or a reluctance to cooperate in an investigation deemed oppressive or dangerous to the public interest.
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> The fact that a faculty member has refused to disclose information to his own institution is relevant to the question of fitness to teach, but not decisive. If the refusal appears to be based upon evasiveness and a desire to withhold evidence of illegal conduct which would disqualify him as a member of the faculty, the refusal would be a weighty adverse factor. On the other hand, a refusal to answer questions which arise from a sincere belief that a teacher is entitled to withhold even from his own institution his political and social views should be accorded respect and should be weighed with other factors in the determination of his fitness to teach. Nevertheless, members of the teaching profession should recognize that sincerity cannot be judged objectively and that a college or university is entitled to know the facts with which it must deal. This is especially true when a faculty member's activities, whether or not they are blameworthy, have

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[1] See, in particular, *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956); *Watkins* v. *United States*, 354 U.S. 178 (1957); *Sweezy* v. *State of New Hampshire*, 354 U.S. 234 (1957); *Konigsberg* v. *State Bar of California*, 353 U.S. 252 (1957).

> resulted in publicity hurtful to his institution. Accordingly, in any proper inquiry by his institution, it is the duty of a faculty member to disclose facts concerning himself that are of legitimate concern to the institution. . . . This obligation diminishes if the institution has announced a rigid policy of dismissal in such a way as to prejudge the case.
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> We are aware that statements made by a faculty member to his institution are not legally privileged and that his interrogators may be compelled in a later official proceeding to testify that he made them. If such statements tend to incriminate him, he may in effect lose the protection of the Fifth Amendment. But we believe that the institution's right to know facts relevant to fitness to teach should prevail over this consideration.
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> . . . Removal can be justified only on the ground, established by evidence, of unfitness to teach because of incompetence, lack of scholarly objectivity or integrity, serious misuse of the classroom or of academic prestige, gross personal misconduct, or conscious participation in conspiracy against the government. The same principle applies, *a fortiori*, to alleged involvement in Communist-inspired activities or views.

The most urgent need for elaboration of the principles enunciated in 1956 concerns the relative weight that may properly, in the context of all other pertinent considerations, be given, in reaching a final decision, to the reasons for the faculty member's continued refusal to make disclosures to his own institution. As the 1956 report recognizes, such refusal, in itself, may not be discreditable to the faculty member if it is based on honest adherence to principle—for example, a principle of freedom, or belief in the right of privacy—even if others disagree with his view. This is true even where such silence may follow a refusal on Fifth Amendment or other grounds to testify before a Congressional committee or other governmental agency. On the other hand, the faculty member's continued silence may reflect unfavorably upon him if his purpose is to conceal derogatory information he knows to be pertinent to the question of fitness.

The assertion by a faculty member of the right to withhold from his institution information which is pertinent to his fitness casts upon him the burden of explaining his refusal. Following such an explanation, the responsible tribunal or authorities may find it necessary to determine, as one element in gauging his fitness to continue as a teacher, what his actual reasons for silence are, even though this will not always be an easy determination to make.

Even if the tribunal finds that the faculty member's reasons for silence are discreditable to him, this adverse factor must be judged in the context of all the other available evidence as to his professional fitness, for here, as in all other aspects of dismissal proceedings, the deciding tribunal or authority is always under a duty to reach a just conclusion in the light of the faculty member's full record. The tribunal also has an obligation to state the reasoning that lies back of its decision in a manner that will show the considerations that have affected the decision and how they have been balanced. On his part, the faculty member who persists in silence within his own institution must remember that, although the burden of proof rests on those who are bringing charges against him, his withholding of information sought by his institution may well leave unchallenged other evidence tending to show him unfit. To put it somewhat differently, the institution may properly concern itself with the facts falling within the area of the teacher's silence as they bear upon the issue of his fitness and arrive at a judgment concerning them.

The faculty member may find himself facing another dilemma. He may run the risk of losing the protection of the Fifth Amendment if he answers questions in a public hearing and on the record, or, conversely, of being misjudged if he remains silent. If, in such straits, he offers to answer privately, and off the record, questions he has previously refused to answer, the tribunal should either accept the offer or recognize that the offer is in itself some evidence of candor and sincerity on the part of the teacher. Such private, off-the-record testimony would not, in this committee's judgment, violate the requirement of the 1940 *Statement of Principles on Academic Freedom and Tenure* that "There should be a full stenographic record of the hearing available to the parties concerned." It is well to remember that a dismissal proceeding is not bound by strict legal rules, and that the aim of the tribunal is to arrive, by all fair means, at the fullest truth relevant to the charges. Off-the-record testimony is properly regarded with suspicion and therefore generally forbidden in academic dismissal proceedings, particularly for witnesses testifying against the accused faculty member. But its limited use for good cause by the faculty member, who enjoys the benefit of the doubt in the proceedings and on whom the duty of candor is being urged, may well enable the tribunal to reach a fair and just decision. In explaining its decision, it may, of course, draw inferences, whether favorable or unfavorable, from such off-the-record testimony, even though the testimony itself may not be disclosed.

If the tribunal refuses to accept an honorable reason offered by a faculty member in justification of his nondisclosure, there being no rational basis in the record for this refusal, and he is then dismissed solely because of this silence, the action is censurable because a sufficient ground for dismissal has not been established. If, on the other hand, a decision to dismiss is found to have been reached fairly and to be supportable on the record when judged by the foregoing considerations, the Association is not entitled to dispute it.

Further comment should be made concerning the statement in the 1956 Report that the "obligation [of a faculty member to disclose facts concerning himself that are of legitimate concern to his institution] diminishes if the institution has announced a rigid policy of dismissal in such a way as to prejudge the case." The objection here is not to the fact that an institution may wish to enumerate in a general statement justifiable grounds for the removal of members of its faculty, such as those found in the 1956 Report of the Special Committee, for it is often desirable that conduct deemed to be improper should be defined in advance. Where, however, a rigid policy, in effect predetermining the question of fitness, is based on inadequate grounds, such as invocation of the Fifth Amendment or the simple fact of membership in an organization, the faculty member may be justified in refusing to become party to an intramural form of self-incrimination.

Report of the Special Committee on Academic Personnel Ineligible for Tenure

The report which follows is published here, at the direction of the Association's Council, in order that chapters, conferences, members and other interested persons may have an opportunity to submit their comments to the Special Committee. All comments should be directed to the Association's Washington Office.

Preamble

The Special Committee considered problems with regard to nontenure positions particularly as they concern three categories of academic people: (1) part-time teachers, (2) full-time teachers who are not considered regular members of faculties, and (3) persons who are appointed to full-time research positions. The Special Committee's first effort has been to survey and analyze the policies and practices of reputable universities with regard to nontenure positions, reports of which were previously made to the Council and Committee A. Its second concern has been to examine these practices in relation to the 1940 *Statement of Principles on Academic Freedom and Tenure* of the Association of American Colleges and the American Association of University Professors. Its third and final effort has been to formulate an interpretation of the 1940 Statement that might serve to guide the Association in advising interested persons about problems and disputes involving nontenure appointments.

The Special Committee soon concluded that the 1940 Statement could not be interpreted as guaranteeing tenure rights to part-time teachers. Its provisions for a probationary period apply explicitly to ". . . appointment to the rank of full-time instructor or higher rank." The Special Committee feels, however, that the Association should continue to be actively concerned with cases belonging to this category, and should use its influence to persuade institutions to adopt and use suitable grievance procedures so that disputes involving part-time teachers can be judiciously resolved within the institutions. Where such procedures are inadequate or lacking, the Association should vigorously uphold the right of part-time teachers to the same academic freedom that teachers with tenure have. This policy should of course apply equally to full-time teachers during their probation period.

There has been much discussion by the Special Committee, as there has been among other organs of the Association, of the question whether the increasing use of people without doctors' degrees as full-time teachers calls for clarification of the probationary requirements set forth by the 1940 Statement. That is, does an educational institution have to count years of full-time service accumulated by a tenure candidate before he has received his doctorate in determining when the decision to grant or not grant tenure must be made? Or, conversely, is it legitimate for an institution to appoint a doctoral candidate as a full-time teacher, in a rank below, or different from, that of instructor, and consider that his term of probation for tenure begins only if and when he receives the doctorate? The 1940 Statement, whether intentionally or not, appears to leave room for the second interpretation by saying that the probationary period should begin with appointment at the rank of instructor or a higher rank. It does not, however, say at what rank a full-time teacher with the doctorate must be appointed. After full discussion, the Special Committee is unanimously agreed that the first interpretation should be Association policy; that is, any person whom an institution appoints to a full-time teaching position should be treated as a candidate for tenure under the requirements of the 1940 Statement, no matter what rank or title he may be given by the institution. If an institution wants to exclude a doctoral candidate (or any other person whom it considers inadequately qualified for regular faculty membership and status) from tenure candidacy, it should not appoint him as a full-time teacher. The Special Committee believes that less injustice will be done, both to teachers and to institutions, if this policy is enforced than if the apparent loophole is left open. A serious doctoral candidate ought not to do full-time teaching anyhow; it is not in his interest or that of the institution to have his attainment of the degree delayed or prevented by overwork. Nor are academic salaries any longer so low, or financial support in the form of fellowships and loans so difficult to attain, that a serious doctoral candidate cannot survive a few years on part-time pay. The Special Committee feels particularly strongly that an institution which is unable to recruit enough doctors to fill all its full-time teaching positions ought not to deny tenure to full-time teachers lacking doctors' degrees. The Special Committee does not believe that the present shortage of fully qualified teachers is in any sense a temporary emergency. It was foreseen twenty years ago, and it should have been prevented. It will continue indefinitely if institutions allow themselves to make do with underqualified and underprivileged teachers of the kind implied by the term "subfaculty." Institutions should do all they can to increase the number of qualified teachers. The Special Committee believes that anyone who does an instructor's work should be given appropriate rank and privileges. In short, the Special Committee wishes to eliminate the second problem category by refusing to grant that, for purposes of the 1940 Statement, there is any such thing as a full-time teacher at a rank below that of instructor.

The third problem category, that of research people who are not teachers, is relatively new to higher education. It was not foreseen, and its full effect on the regulation and conduct of academic institutions is not yet foreseeable. In particular, it seems clear to the Special Committee that the two associations had no major category of such academic people in mind when they formulated the 1940 Statement. A question may be, therefore, whether it is possible for the Special Committee to apply the 1940 Statement to this category. Its deliberations may in fact have led to another question: does the 1940 Statement itself need some revision, amendment, or supplement in order to provide proper guidance for Association policy in this area? The 1940 Statement plainly assumes that the normal basic activity of university professors is teaching and that research is a functionally related activity by means of which teaching is enriched and extended. On this assumption it is entirely reasonable and proper to maintain, as the 1940 Statement evidently does, that a researcher is the same thing as a teacher insofar as his right to academic freedom, his status as a faculty member, and his entitlement to tenure are concerned. In 1940, with negligible exceptions, researchers in universities were teachers, part of whose teaching was by word of mouth and part by the medium of print. The two parts served the same purpose of transmitting the teacher's individual ideas into the arena of public discussion, and the same principles of freedom and of responsibility applied to both.

Now, however, there are an important number of researchers working in universities and university-operated agencies to whom this assumption does not so clearly apply. Workers on Department of Defense and Atomic Energy Commission projects offer the extreme example; but anyone who works on a project which is defined by a contract between the employing institution and a sponsoring agency, government, industry, or foundation is likely to be more or less limited in his freedom to decide for himself what line of investigation he will pursue. The question arises whether universities ought to be engaged in this kind of contract research at all. The Special Committee regards this as an important question, but not one that can be settled at this time by a component of the AAUP. The fact is that many of the best universities are so engaged, and the question to be answered is what the AAUP policy should be toward the people involved, particularly concerning the conditions of academic freedom and tenure under which they work.

The Special Committee recognizes that many and perhaps most of the researchers doing contract work are qualified by education and training to be members of teaching faculties. What makes them different is their function. A related consideration, which administrators are quick to point out, is that the shifting character of the financial support for contract work imposes a special problem in relation to tenure. It is not so much a matter of the total amount of money available as it is of the fact that individual research contracts run for limited terms, and that researchers are not always transferable from one contract project to another within the same institution. Administratively, the logical solution is to let the individual researcher's contract run for not longer than the term of the project contract. The situation is roughly parallel to that which arises when an institution decides to discontinue a course or department or college. The AAUP recognizes that legitimate academic reasons may require such a change, and that it is not always possible for the institution to retain all the people whose positions are eliminated. Such a situation, rare in teaching faculties, is normal and frequent in contract research.

These problems are closely related to the fact that many research projects are carried out by teams of researchers under the supervision of project directors. The director of a project, often a faculty member with tenure, and very often a kind of entrepreneur in proposing the project and attracting financial support for it from sources outside the institution, has a legitimate need for freedom in the selection and rejection of team members, and for adequate authority to assign their tasks and coordinate their activities. Furthermore, individual team members are not free to publish results of work they have done on the project without the consent of other members and especially of the director. For these reasons, traditional concepts of academic freedom and tenure do not apply to the activities of contract research teams. The Special Committee has gone as far as it believes possible, under the circumstances, in asserting and defending in the statement which follows such academic freedom and job security as can be had. Its members feel that an effort to go beyond the limits imposed by the facts of the situation would make the statement weaker, not stronger.

The Special Committee is by no means indifferent to the conditions under which members of contract research project teams have to work, nor does it advocate indifference on the part of the AAUP. It believes that good administrative and personnel policies ought to operate in this area as in all other areas of academic life, and that the AAUP should try to define good policies and encourage institutions to apply them. It also believes that, whenever academic institutions designate full-time researchers as faculty members, either by formal appointment or by conferring the titles of instructor, assistant or associate professor, or professor, those researchers should have all the rights of other faculty members, and that the AAUP should apply the 1940 Statement of Principles to them as strictly as to anyone else.

Statement of the Special Committee on Academic Personnel Ineligible for Tenure

A clear definition of acceptable academic practice in American colleges and universities requires some amplification and interpretation of the 1940 *Statement of Principles on Academic Freedom and Tenure.* Most of the 1940 Statement applies without change to the operation of the universities today. The academic freedom statement however leaves some question about the freedom of research for the secondary staff of large research projects restricted by government or industrial support and security. The academic tenure provisions leave some doubt about the tenure rights of part-time teachers and of persons appointed with titles other than those of the four ranks of instructor to professor.

To make quite clear that the policy of the Association provides protection in matters of academic freedom to all teachers at all ranks and on any fractional appointment and to all investigators with university appointments, the following amplifying statement is proposed:

(1) The academic freedom of all teachers and investigators with full-time or part-time appointments in a university should have the full protection of the Association.

The committee recognizes that it is appropriate to have, within the university, faculty members with instructor or professional status who are exclusively investigators. These professors should be selected by the faculty and should have the full privileges of other professors. The following statement is within the 1940 Statement but more directly describes the status of the research faculty member with an academic appointment:

(2) Full-time teachers and investigators who are appointed to the rank of Instructor, Assistant Professor, Associate Professor and Professor should have the rights and privileges appropriate to their rank including tenure or the eligibility for tenure after the appropriate probationary period.

Acceptable academic practice for tenure is described in the 1940 Statement of Principles only for full-time appointments beginning with the rank of instructor. The Special Committee recommends that these provisions be extended to include all full-time teacher appointments in the university. Part-time appointments are often given to scholars who are still working on their advanced degree programs. If, however, a full-time appointment can be made as a lecturer or acting instructor, without obligating the institution to a limited probation period, it will diminish the protection of the Association's statement of policy on tenure. To provide for protection of the young teachers' tenure rights, the committee proposes:

(3) All full-time teachers, but not investigators, in the universities regardless of their titles should acquire tenure after a probationary period as provided for appointments to the rank of full-time instructor or a higher rank in the 1940 Statement.

The Association extends the full protection of academic freedom to all teachers and investigators on full-time or part-time university appointments. The policy for the tenure of investigators with full-time university appointments without one of the usual academic ranks has not been adequately determined. In the science and technology areas of the twenty largest universities, there are now twice as many full-time investigators as full-time academic appointments. Most of these investigator appointments are made from research grants of short duration that are subject to frequent and uncertain renewal. The selection and termination of appointees is made by the project director without the usual procedures of review involved in departmental academic appointments. Until the funds for the support of investigators are assured for substantial periods and until the university determines policies for the distribution and use of these funds it will be difficult for the university to assume the obligation for continuous tenure appointments. The committee makes no recommendation for a tenure policy for investigators who do not have regular academic appointments.

Report on Retirement and Academic Freedom

This report was prepared by a subcommittee of Committee A and is published here on the authorization of Committee A and the Council in order that members may comment on the issues raised in it. Comments should be addressed to the Association's Washington office.

An earlier Statement of Principles on Academic Retirement, endorsed jointly in 1958 by the American Association of University Professors and the Association of American Colleges,[1] contains recommendations on retirement policy and on plans for retirement annuities. It calls for "a fixed and relatively late retirement age, the same for teachers and administrators," and it states that "in the present circumstances the desirable fixed retirement age would appear to be from 67 to 70."

However, a recent survey by the American Association of University Professors of practices regarding retirement shows that academic institutions currently tend to follow two different patterns. At some institutions there is a fixed age for retirement, with the professor retired prior to that age only by his own choice or by permanently incapacitating illness. The usual retirement ages are found to be 65, 68, or 70 years. The American Association of University Professors continues to support the concept of a fixed and relatively late retirement age.

At other institutions the pattern is flexible, with a relatively early age at which tenure ceases (frequently 65 years), with the possibility of reappointment for limited periods, often on an annual basis. At these institutions there are possible threats to the academic freedom of faculty members who are approaching retirement age or who have been reappointed after reaching that age.

Many professors desire to remain in active service at their institutions as long as possible. Definite financial advantages accompany later retirement. Frequently, there is strong reluctance to sever one's professional contacts until the latest possible age.

In institutions with a flexible retirement age at which decisions on retirement are made by administrators, a professor who wishes to continue his academic work beyond the minimum retirement age may hesitate to express opinions contrary to administrative policy, to defend an outspoken colleague, or otherwise to take positions contrary to those who have the power to retire him. The occasional victimization of a bold professor would give reality to this fear. Also, self-restriction of freedom may result from the possibility of nonreappointment. In contrast, where there is a fixed retirement age, with no possibility of deviation, the professor is not normally subject to penalty, no matter how critical he may be of institutional policy or how much outside influence for his nonreappointment is brought to bear on the institution.

The number of people who suffer from the threat of nonreappointment may not be large. As people become older, some become more outspoken in the defense of debatable ideas; others, recognizing the validity of arguments on both sides of a question, see less need to champion locally unpopular causes. However, freedom for the entire academic community, including its older members, must be scrupulously preserved.

At the present time, a shortage of qualified faculty would usually cause an institution to wish to retain faculty members as long as possible. However, employment conditions at a given institution may change. Also, with the increased need for faculty, more professors who have reached the minimum retirement age are being employed, either by their own or other institutions. Therefore, the number of instances of possible infringement of academic freedom of professors who are no longer protected by tenure may increase.

At institutions which have flexible retirement ages, what safeguards are or should be available to faculty during the period in which tenure no longer protects the academic freedom and procedural safeguards of the professor as teacher, scholar, and citizen? The approach used by the 1940 *Statement of Principles on Academic Freedom and Tenure* for instructional staff who have not yet achieved tenure gives applicable guidance. "During the probationary period a teacher should have the academic freedom that all other members of the faculty have." Like the probationary teacher, the faculty member who has lost tenure because of age should have available to him appropriate hearing procedures if he can present a *prima facie* case of not being reappointed for reasons violative of his academic freedom. Like the probationary appointee, this faculty member should receive explicit and timely notice of nonreappointment: not later than December 15 (or at least six months prior to the expiration of the appointment); or, if the faculty member is in his first year of service at an institution other than the one at which he had tenure, not later than March 1 (or at least three months prior to the appointment's expiration). Where there is a strong tradition of academic freedom and good practice, the problem of involuntary retirement of outspoken professors before the maximum retirement age does not exist.

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[1] The text of this Statement was published in the *AAUP Bulletin,* Volume 44, No. 2, pages 513-5, 1958. A joint committee of AAUP and the Association of American Colleges recently revised the Statement, and a draft of it was published in the Autumn, 1968, issue of the *AAUP Bulletin* (pages 295-297) for the purpose of eliciting comments of members, chapters, and conferences prior to formal adoption by the Association.

The surest protection against premature retirement as a penalty for expressing criticism or dissent is active participation by the faculty in the governance of the institution. Decisions not to continue the services of a professor to the maximum permissible age should be made only after the appropriate administrative officer has received the advice of representatives of the faculty and should be subject to appeal to the proper body or committee of the faculty. Details of the procedure, together with a statement of the reasons which would occasion a professor's retirement before the stated maximum age, should be clearly promulgated in writing and available to the professor at the time of his appointment.

Faculty participation in decisions to employ professors beyond the minimum retirement age occurs at a considerable number of institutions. Among the flexible systems worth noting are those at the University of California at Berkeley, Franklin and Marshall College, Beloit College, and the University of Texas. These institutions represent two large state-supported institutions and two small privately endowed liberal arts colleges.

The Committee on Budget and Interdepartmental Relations of the University of California at Berkeley [2]—in addition to its responsibility for making recommendations to the appropriate administrative official concerning appointment, promotions and awards of tenure—recommends the reappointment or nonreappointment of professors who have reached the minimum retirement age. Its recommendation is based on that of the Department Chairman, including a statement concerning the clearly established need for the continuance of the professor's services, and its own careful and independent evaluation of the desirability of the reappointment of the professor. Since the recommendations of this committee are usually followed by the administration, retired professors know that their reappointment depends primarily upon broad faculty judgment. As the primary decision for reappointment is made by faculty rather than administrative officials, a professor who wishes to criticize administrative policy can do so without fear it will be prejudicial to his reappointment.

The regulations of Franklin and Marshall College state that "the mandatory retirement age for members of the Faculty is 65," but provision is made for the appointment "of Visiting Professors or Distinguished Professors Emeriti who exceed age 65." The decision to recommend the appointment of an emeritus professor is made by the department and reviewed by a faculty-elected Professional Standards Committee. Selection is based on an established need and on the academic qualifications of the individual. Espousal of minority viewpoints would not be prejudicial to appointment after formal retirement.

At Beloit College, a faculty-nominated and elected committee advises with the President and Dean on all personnel decisions including retention of faculty, promotion, and tenure. The College's Policy Manual also calls for consultation with the Chairman of the Department and Division of which the individual is a member. Although retirement occurs at 65, a faculty member may be reemployed on an annual basis, if reemployment is mutually agreeable to the individual and to the college. Such reemployment, which ordinarily does not include administrative and committee responsibilities, is considered by the faculty committee and chief administrative officers.

A somewhat different approach to the utilization of retired professors is used at The University of Texas at Austin. Tenured members of the faculty continue full time until age 70. At this age they are put on "modified service" which is half-time work for half-time pay; they may be allowed to teach required courses at the discretion of the teaching staff of the department. The budget council of each department must approve annually appointees on modified service as being capable of the duties assigned to them by the Chairman of the Department, and all departmental recommendations for appointment, or continued appointment, are subject to approval by a faculty advisory committee on extended service.

Whatever circumstances and conditions affecting retirement are present in an institution of higher education, professors should be assured that, even if tenure is ended, the principles of academic freedom, as stated in the 1940 *Statement of Principles*, are applicable to them.

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[2] The work of this committee and the selection of its members by a faculty-elected Committee on Committees are described by L. W. Eley, "The University of California at Berkeley: Faculty Participation in the Government of the University," *AAUP Bulletin*, Spring, 1964, pp. 5-13.

American Association of University Professors
American Council on Education
Association of Governing Boards of Universities and Colleges

Statement on

Government of Colleges and Universities

Editorial Note. The Statement which follows is directed to governing board members, administrators, faculty members, students and other persons in the belief that the colleges and universities of the United States have reached a stage calling for appropriately shared responsibility and cooperative action among the components of the academic institution. The Statement is intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions.

It is not intended that the Statement serve as a blueprint for government on a specific campus or as a manual for the regulation of controversy among the components of an academic institution, although it is to be hoped that the principles asserted will lead to the correction of existing weaknesses and assist in the establishment of sound structure and procedures. The Statement does not attempt to cover relations with those outside agencies which increasingly are controlling the resources and influencing the patterns of education in our institutions of higher learning; e.g., the United States Government, the state legislatures, state commissions, interstate associations or compacts and other interinstitutional arrangements. However it is hoped that the Statement will be helpful to these agencies in their consideration of educational matters.

Students are referred to in this Statement as an institutional component coordinate in importance with trustees, administrators and faculty. There is, however, no main section on students. The omission has two causes: (1) the changes now occurring in the status of American students have plainly outdistanced the analysis by the educational community, and an attempt to define the situation without thorough study might prove unfair to student interests, and (2) students do not in fact presently have a significant voice in the government of colleges and universities; it would be unseemly to obscure, by superficial equality of length of statement, what may be a serious lag entitled to separate and full confrontation. The concern for student status felt by the organizations issuing this Statement is embodied in a note "On Student Status" intended to stimulate the educational community to turn its attention to an important need.

This Statement, in preparation since 1964, is jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. On October 12, 1966, the Board of Directors of the ACE took action by which the Council "recognizes the Statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and administrations," and "commends it to the institutions which are members of the Council." On October 29, 1966, the Council of the AAUP approved the Statement, recommended approval by the Fifty-Third Annual Meeting in April, 1967,[1] *and recognized that "continuing joint effort is desirable, in view of the areas left open in the jointly formulated Statement, and the dynamic changes occurring in higher education." On November 18, 1966, the Executive Committee of the AGB took action by which that organization also "recognizes the Statement as a significant step forward in the clarification of the respective roles of governing boards, faculties and administrations," and "commends it to the governing boards which are members of the Association"*

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[1] The Annual Meeting approved the Statement.

I. Introduction

This Statement is a call to mutual understanding regarding the government of colleges and universities. Understanding, based on community of interest, and producing joint effort, is essential for at least three reasons. First, the academic institution, public or private, often has become less autonomous; buildings, research, and student tuition are supported by funds over which the college or university exercises a diminishing control. Legislative and executive governmental authority, at all levels, plays a part in the making of important decisions in academic policy. If these voices and forces are to be successfully heard and integrated, the academic institution must be in a position to meet them with its own generally unified view. Second, regard for the welfare of the institution remains important despite the mobility and interchange of scholars. Third, a college or university in which all the components are aware of their interdependence, of the usefulness of communication among themselves, and of the force of joint action will enjoy increased capacity to solve educational problems.

II. The Academic Institution: Joint Effort

A. Preliminary Considerations

The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort.

Joint effort in an academic institution will take a variety of forms appropriate to the kinds of situations encountered. In some instances, an initial exploration or recommendation will be made by the president with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the president and the governing board. In still others, a substantive contribution can be made when student leaders are responsibly involved in the process. Although the variety of such approaches may be wide, at least two general conclusions regarding joint effort seem clearly warranted: (1) important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components, and (2) differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand, as developed hereinafter.

B. Determination of General Educational Policy

The general educational policy, i.e., the objectives of an institution and the nature, range, and pace of its efforts, is shaped by the institutional charter or by law, by tradition and historical development, by the present needs of the community of the institution, and by the professional aspirations and standards of those directly involved in its work. Every board will wish to go beyond its formal trustee obligation to conserve the accomplishment of the past and to engage seriously with the future; every faculty will seek to conduct an operation worthy of scholarly standards of learning; every administrative officer will strive to meet his charge and to attain the goals of the institution. The interests of all are coordinate and related, and unilateral effort can lead to confusion or conflict. Essential to a solution is a reasonably explicit statement on general educational policy. Operating responsibility and authority, and procedures for continuing review, should be clearly defined in official regulations.

When an educational goal has been established, it becomes the responsibility primarily of the faculty to determine appropriate curriculum and procedures of student instruction.

Special considerations may require particular accommodations: (1) a publicly supported institution may be regulated by statutory provisions, and (2) a church-controlled institution may be limited by its charter or bylaws. When such external requirements influence course content and manner of instruction or research, they impair the educational effectiveness of the institution.

Such matters as major changes in the size or composition of the student body and the relative emphasis to be given to the various elements of the educational and research program should involve participation of governing board, administration and faculty prior to final decision.

C. Internal Operations of the Institution

The framing and execution of long-range plans, one of the most important aspects of institutional responsibility, should be a central and continuing concern in the academic community.

Effective planning demands that the broadest possible exchange of information and opinion should be the rule for communication among the components of a college or university. The channels of communication should be established and maintained by joint endeavor. Distinction should be observed between the institutional system of communication and the system of responsibility for the making of decisions.

A second area calling for joint effort in internal operations is that of decisions regarding existing or prospective physical resources. The board, president and faculty should all seek agreement on basic decisions regarding buildings and other facilities to be used in the educational work of the institution.

A third area is budgeting. The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative authority of the president, and in the educational function of the faculty. Each component should therefore have a voice in the determination of short and long-range priorities, and each should receive appropriate analyses of past budgetary experience, reports on current budgets and expenditures, and short and long-range budgetary projections. The function of each component in budgetary matters should be understood by all; the allocation of authority will determine the flow of information and the scope of participation in decisions.

Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. His dual role requires that he be able to interpret to board and faculty the educational views and concepts of institutional government of the other. He should have the confidence of the board and the faculty.

The selection of academic deans and other chief academic officers should be the responsibility of the president with the advice of and in consultation with the appropriate faculty.

Determinations of faculty status, normally based on the recommendations of the faculty groups involved, are discussed in Part V of this Statement; but it should here be noted that the building of a strong faculty requires careful joint effort in such actions as staff selection and promotion and the granting of tenure. Joint action should also govern dismissals; the applicable principles and procedures in these matters are well established.[2]

D. External Relations of the Institution

Anyone—a member of the governing board, the president or other member of the administration, a member of the faculty, or a member of the student body or the alumni—affects the institution when he speaks of it in public. An individual who speaks unofficially should so indicate. An official spokesman for the institution, the board, the administration, the faculty, or the student body should be guided by established policy.

It should be noted that only the board speaks legally for the whole institution, although it may delegate responsibility to an agent.

The right of a board member, an administrative officer, a faculty member, or a student to speak on general educational questions or about the administration and operations of his own institution is a part of his right as a citizen and should not be abridged by the institution.[3] There exist, of course, legal bounds relating to defamation of character, and there are questions of propriety.

III. The Academic Institution: The Governing Board

The governing board has a special obligation to assure that the history of the college or university shall serve as a prelude and inspiration to the future. The board helps relate the institution to its chief community: e.g., the community college to serve the educational needs of a defined population area or group, the church-controlled college to be cognizant of the announced position of its denomination, and the comprehensive university to discharge the many duties and to accept the appropriate new challenges which are its concern at the several levels of higher education.

The governing board of an institution of higher education in the United States operates, with few exceptions, as the final institutional authority. Private institutions are established by charters; public institutions are established by constitutional or statutory provisions. In private institutions the board is frequently self-perpetuating; in public colleges and universities the present membership of a board may be asked to suggest candidates for appointment. As a whole and individually when the governing board confronts the problem of succession, serious attention should be given to obtaining properly qualified persons. Where public law calls for election of governing board members, means should be found to insure the nomination of fully suited persons, and the electorate should be informed of the relevant criteria for board membership.

Since the membership of the board may embrace both individual and collective competence of recognized weight, its advice or help may be sought through established channels by other components of the academic community. The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers, the president and the deans, and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.

One of the governing board's important tasks is to ensure the publication of codified statements that define the over-all policies and procedures of the institution under its jurisdiction.

The board plays a central role in relating the likely needs of the future to predictable resources; it has the responsibility for husbanding the endowment; it is responsible for obtaining needed capital and operating funds; and in the broadest sense of the term it should pay attention to personnel policy. In order to fulfill these duties, the board should be aided by, and may insist upon, the development of long-range planning by the administration and faculty.

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[2] See the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. These statements have been jointly approved or adopted by the Association of American Colleges and the American Association of University Professors; the 1940 Statement has been endorsed by numerous learned and scientific societies and educational associations.

[3] With respect to faculty members, the 1940 *Statement of Principles on Academic Freedom and Tenure* reads: "The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that he is not an institutional spokesman."

When ignorance or ill-will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion. Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution.

IV. The Academic Institution: The President

The president, as the chief executive officer of an institution of higher education, is measured largely by his capacity for institutional leadership. He shares responsibility for the definition and attainment of goals, for administrative action, and for operating the communications system which links the components of the academic community. He represents his institution to its many publics. His leadership role is supported by delegated authority from the board and faculty.

As the chief planning officer of an institution, the president has a special obligation to innovate and initiate. The degree to which a president can envision new horizons for his institution, and can persuade others to see them and to work toward them, will often constitute the chief measure of his administration.

The president must at times, with or without support, infuse new life into a department; relatedly, he may at times be required, working within the concept of tenure, to solve problems of obsolescence. The president will necessarily utilize the judgments of the faculty, but in the interest of academic standards he may also seek outside evaluations by scholars of acknowledged competence.

It is the duty of the president to see to it that the standards and procedures in operational use within the college or university conform to the policy established by the governing board and to the standards of sound academic practice. It is also incumbent on the president to insure that faculty views, including dissenting views, are presented to the board in those areas and on those issues where responsibilities are shared. Similarly the faculty should be informed of the views of the board and the administration on like issues.

The president is largely responsible for the maintenance of existing institutional resources and the creation of new resources; he has ultimate managerial responsibility for a large area of nonacademic activities, he is responsible for public understanding, and by the nature of his office is the chief spokesman of his institution. In these and other areas his work is to plan, to organize, to direct, and to represent. The presidential function should receive the general support of board and faculty.

V. The Academic Institution: The Faculty

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, manpower limitations, the time element and the policies of other groups, bodies and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and board to grant the degrees thus achieved.

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

The chairman or head of a department, who serves as the chief representative of his department within an institution, should be selected either by departmental election or by appointment following consultation with members of the department and of related departments; appointments should normally be in conformity with department members' judgment. The chairman or department head should not have tenure in his office; his tenure as a faculty member is a matter of separate right. He should serve for a stated term but without prejudice to re-election or to reappointment by procedures which involve appropriate faculty consultation. Board, administration, and faculty should all bear in mind that the department chairman has a special obligation to build a department strong in scholarship and teaching capacity.

Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

The agencies may consist of meetings of all faculty members of a department, school, college, division or university system, or may take the form of faculty-elected executive committees in departments and schools and a faculty-elected senate or council for larger divisions or the institution as a whole.

Among the means of communication among the faculty, administration, and governing board now in use are: (1) circulation of memoranda and reports by board committees, the administration, and faculty committees, (2) joint *ad hoc* committees, (3) standing liaison committees, (4) membership of faculty members on administrative bodies, and (5) membership of faculty members on governing boards. Whatever the channels of communication, they should be clearly understood and observed.

On Student Status

When students in American colleges and universities desire to participate responsibly in the government of the institution they attend, their wish should be recognized as a claim to opportunity both for educational experience and for involvement in the affairs of their college or university. Ways should be found to permit significant student participation within the limits of attainable effectiveness. The obstacles to such participation are large and should not be minimized: inexperience, untested capacity, a transitory status which means that present action does not carry with it subsequent responsibility, and the inescapable fact that the other components of the institution are in a position of judgment over the students. It is important to recognize that student needs are strongly related to educational experience, both formal and informal. Students expect, and have a right to expect, that the educational process will be structured, that they will be stimulated by it to become independent adults, and that they will have effectively transmitted to them the cultural heritage of the larger society. If institutional support is to have its fullest possible meaning it should incorporate the strength, freshness of view and idealism of the student body.

The respect of students for their college or university can be enhanced if they are given at least these opportunities: (1) to be listened to in the classroom without fear of institutional reprisal for the substance of their views, (2) freedom to discuss questions of institutional policy and operation, (3) the right to academic due process when charged with serious violations of institutional regulations, and (4) the same right to hear speakers of their own choice as is enjoyed by other components of the institution.

1968 Standards for Committee T Investigations in the Area of College and University Government

Committee T on College and University Government, at a meeting in October, 1968, approved these standards for investigation.

1. *Area of concern.* In considering the necessity or desirability of investigation and report on institutional situations involving college or university government, the Association looks to the condition of faculty status and of faculty-administration relations. Investigation will be considered in situations where it appears likely that corporate or individual functions of the faculty have been seriously impaired or threatened.

2. *Exploration of local remedies.* Investigation will ordinarily be undertaken only after normal avenues for local correction have been explored without substantial success. This condition, recognizably, may not operate in situations where local remedies are inadequate or where their use would worsen the situation or expose individual faculty members to harm.

3. *Decision to investigate.* The General Secretary, after such consultation as appears to be appropriate, will determine whether to authorize an investigation. His decision may result from a request for investigation from any responsible group of faculty members or may be based upon evidence otherwise available to the Association. A request for a Committee T investigation submitted to the General Secretary should present: (a) a general description of the situation, (b) specific information regarding the past or contemplated use of local remedies, and (c) an indication of the nature and extent of supporting documentary evidence. It should describe the available resources in the faculty for study of the situation and for local action looking toward improvement.

In reaching a determination, the General Secretary will give weight to the magnitude of the problem both for the faculty concerned and for the Association as a whole in its capacity as a representative organization for teachers in higher education.

If an investigation is to take place, the General Secretary will appoint one or more persons to serve as an *ad hoc* committee.

4. *The report.* The report of the *ad hoc* committee will be submitted to Committee T, and that body will determine whether the report should be published in the *AAUP Bulletin*. Committee T may also wish to advise the General Secretary as to the dissemination of the report, which will ordinarily be sent to the administration of an institution, to its trustees, to the concerned accrediting body, and to other appropriate agencies and groups, together with the recommendation of Committee T.

5. Committee T will determine whether to propose further action to the Council of the Association, either concurrently with the dissemination of the report, or on a subsequent finding by Committee T that its recommendations have not been satisfactorily effected.

Policy on Representation of Economic Interests

This statement of policy was approved by Committee T on College and University Government in January, 1968, and by the Council of the American Association of University Professors in April, 1968. The Fifty-fourth Annual Meeting passed a motion stating: "It is the sense of this Meeting that it concurs in the Statement of Policy on Representation of Economic Interests."

The statement constitutes present Association policy and will be subject to further review. Comments on it should be addressed to the Association's Washington office.

Introduction

The American Association of University Professors has long maintained that faculty members should have an effective voice in making and carrying out decisions affecting the educational and scholarly life of the institution. The 1966 *Statement on Government of Colleges and Universities* is the latest reaffirmation of this position. It declares that the faculty has a major role to play in determining the educational and research policies of the institution, and should also have an effective voice in appointments, promotions, actions resulting in tenure, and dismissals or nonreappointments. The faculty should play a part in the selection of principal academic officers and the heads or chairmen of departments; it should have a voice in budgetary decisions relating to teaching and research activities. The Association believes that the nature of the academic enterprise is such that the faculty properly shares in responsibilities which in nonacademic institutions might be entirely those of ownership or management.

The Association has further maintained that the goals of higher education include effective meeting of such economic and professional interests of the faculty as appropriate salary scales, fringe benefits, teaching loads and other conditions of teaching and research. The Committee on the Economic Status of the Profession in making its first salary grading report in 1959 declared: "The objective of the Association's program is to accelerate the adjustment of salary levels. . . . The basic idea of the program is to create additional incentives for governing boards and other friends of institutions of higher education to make the needed salary adjustments and to provide the funds required. . . ."

The outstanding colleges and universities of the United States characteristically afford to their faculty a genuine voice in all matters of educational policy and academic concern, and likewise provide adequately for the economic interests of their teaching and research personnel. Unfortunately, many institutions, for a variety of reasons, fail to meet these two essential and related needs, an effective voice and proper compensation. Such failures demand correction. Two main kinds of approach have been developed: (1) collective bargaining by an exclusive bargaining agent, patterned after union procedures in industry, and (2) professional self-representation by an internal faculty agency, based upon faculty authority of the kind which the Association supports for the handling of all kinds of faculty interests.

The Association recommends that faculty members, in decisions relating to the protection of their economic interests, should participate through structures of self-government within the institution, with the faculty participating either directly or through faculty-elected councils or senates. As integral parts of the institution, such councils or senates can effectively represent the faculty without taking on the adversary and sometimes arbitrary attitudes of an outside representative.

Faculties in publicly supported institutions, after achieving what they can by themselves, will increasingly need to join hands with their colleagues on other campuses in order to deal with governing and coordinating boards that have broad jurisdiction, with executive agencies, with the legislatures, and with the national government. For these negotiating and educational functions, strong professional organizations are needed. This Association, through its national Council and state and regional conferences, must equip itself for these functions, and then proceed to discharge its duties to the academic profession with vigor and wisdom.

Whatever means may be developed for representation, the faculty must have a truly effective voice both in decisions affecting its economic interests and in the wider issues of educational policy that confront higher education.

Policy Statement

I. Policy on Legislation.

A. Legislatures in several states have enacted statutes that promote collective bargaining by public employees. Other such statutes will probably come into being. The protections and remedies that they offer are doubtless advantageous for employees who have little or no voice in setting the terms and conditions of their employment. But statutory models of general application may be ill-suited to the situation of the faculty member in higher education. As stated above, he has, or should have, access to avenues of self-government and of shared authority and responsibility. Because of the importance of these special characteristics of the academic community, professors should be especially concerned to avoid dependence on external representative agencies that diminish the opportunities of the faculty for self-government.

B. The Association will therefore oppose legislation imposing upon faculty members in higher education the principle of exclusive representation derived from models of industrial collective bargaining. When legislation of this character exists or is proposed, the Association will rather support measures that will encourage institutions of higher education to establish adequate internal structures of faculty participation in the government of the institution.

C. To implement this policy, chapters and conferences should be alert to see that either proposed or existing laws avoid rigid prescriptions of exclusive representation.

1. Any statute authorizing collective bargaining for public employees should permit, for faculty members of colleges and universities, some system of joint representation. In such a system, collective bargaining might be conducted by a committee composed of delegates from each of the organizations which represented a substantial number of faculty members and which were willing to take part in the system of joint representation.
2. Any such legislation should make it clear that, in higher education, a faculty-elected council or senate is eligible to represent the faculty, since such an internal representative can have the requisite autonomy and independence of the administration to carry out its functions.

D. Great importance is attached, in the next few years, to having the views of the Association made known to legislators and incorporated in new or existing statutes bearing on collective bargaining by public employees. Specific guidance to these ends will be offered by the Washington Office, through memoranda on statutory drafting problems, and advice in particular circumstances.

II. Policy on the Role of a Chapter or other Association Agency in Deciding Whether to Seek Representative Status.

A. If conditions of effective faculty voice and adequate protection and promotion of faculty economic interests are not met, and a faculty is considering representation through an outside organization, the Association believes itself, by virtue of its principles, programs, experience and broad membership, to be well qualified to act as representative of the faculty in institutions of higher education.

B. The initial decision to consider representative status, whether through a chapter or other agency of the Association (including a university-wide council of chapters in a multi-campus institution, or a conference in the case of a state-wide system), should be made in consultation with the General Secretary, and should be the result of judgment about the following considerations:

1. Is the internal organization of the faculty, and its share in the government of the institution, such that, with timely and achievable adjustments, a faculty senate or like body could adequately undertake the role of representation? If so, then the chapter or other Association agency should strive to see that the necessary improvements are made, should support the internal agency of representation, and should not offer itself as a representative.
2. But the pressure of events and of other claims for representation may make it unfeasible to accomplish necessary improvements before choices must be made. In such circumstances, the chapter or other Association agency may decide, as an interim measure, to offer itself as the faculty's representative.
3. Is the institution itself so new, or its practice of faculty participation so undeveloped, that a period of some years may be necessary before an effective internal faculty voice is attainable? If this is the judgment, then the chapter or other Association agency may decide to offer itself as the faculty's representative.
4. If the judgment is made that the existing structure and practice of institutional government seriously impairs the ability of the faculty to fulfill the pur-

poses of the *Statement on Government of Colleges and Universities* and it appears that there is little prospect of remedying this situation under existing procedures, then a conclusion may also be reached that a chapter ought to offer itself as the faculty's representative.

C. A practical judgment that must always be made, also in consultation with the General Secretary, goes beyond the evaluation of institutional government. It relates to the capacity of the chapter or other Association agency to undertake the task of representation, considering the extent of support from its members, their readiness to accept a substantial increase in dues to finance services that may be required, and whether the leadership is ready and equipped to devote the necessary time and energy.

D. A chapter or other Association agency, before it makes a final decision to seek representative status, should again consult with the General Secretary and consider his appraisal of the situation. If the final decision is to proceed, it will then take the necessary formal steps to permit it to be voted or designated as having representative status.

III. Policy for a Chapter or Other Association Agency Which Achieves Representative Status.

A. When a chapter or other agency of the Association attains the status of representative of the faculty, whether exclusive or otherwise, it will, when acting as representative, and in negotiations with the administration and the governing board, pursue the following objectives:

1. To protect and promote the economic and other interests of the faculty as a whole in accordance with the established principles of the Association.
2. To establish within the institution democratic structures which provide full participation by all faculty members in accordance with the *Statement on Government of Colleges and Universities.*
3. To obtain explicit guarantees of academic freedom and tenure in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure,* the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings,* and other policy statements of the Association.
4. To create an orderly and clearly defined procedure within the faculty governmental structure for prompt consideration of problems and grievances of faculty members, to which procedure any individual or group shall have full access.

B. No person shall be required to become a member of or make any financial contribution to the Association as a condition of his enjoying the benefits of representation.

C. It is the policy of the Association (with which chapters should comply whether or not they are acting in a representative capacity) not to call or support a faculty strike or other work stoppage, except in the extraordinary circumstances suggested in the provisional Statement on Faculty Participation in Strikes. (See following page.)

Faculty Participation in Strikes

This April, 1968, report of the Special Joint Committee on Representation, Bargaining, and Sanctions, including the proposed Statement on Faculty Participation in Strikes, was approved for publication by the Council of the American Association of University Professors in April, 1968. Comments on the statement should be addressed to the Association's Washington office.

On December 15, 1965, the administration of St. John's University (New York) summarily suspended from teaching 22 members of the faculty and notified them and 11 others that they would be dismissed at the end of their then current contracts. This unprecedented event, preceded by a period of worsening relations between the administration and parts of the faculty, was followed, on January 3, 1966, by what was probably the first major faculty strike against a university administration in the United States. The strike did not succeed, in that the university continued to operate, and the dismissed teachers were not reinstated.[1]

Less than a year and a half later, the announcement at Catholic University (Washington, D. C.) that a faculty member would not be retained (after he had been recommended for promotion) led to a total and almost spontaneous refusal by students to attend classes and by the faculty to meet their classes. After four days, the bishops who composed the governing board of Catholic University rescinded the dismissal. Not long after, an acting Rector was appointed, who is reported to have said that, had he been a member of the faculty at the time, he would have joined in the strike (if what happened could properly be called a strike).[2]

In the same two years, 1966-67, there have been, in a number of institutions, student-led demonstrations which included mass absences from classes. Some faculty members have cooperated in some of these demonstrations by refusing to meet their classes. There has been a strike in a large urban institution, the Chicago City College, in which the grounds, unlike those in the St. John's and Catholic University episodes, were primarily economic. The faculty thought that they were underpaid and overworked; in addition, the Cook County College Teachers Union was seeking recognition as the faculty's bargaining agent. It achieved recognition, some gain in faculty salaries, and a reduction in faculty workload.

Along with these dramatic and unsettling events, the last five years have witnessed a rise of interest in collective representation and bargaining in public institutions of higher education, stimulated by the passage of legislation in major states designated to legitimate collective bargaining by public employees.[3] Where the American Federation of Teachers has been active in organizing faculties, it has had no hesitation in avowing its willingness to resort to a union's ultimate weapon in economic bargaining, the strike.[4]

The response of one governing board, the Regents of the University of California, to a brief strike by Berkeley, chiefly of teaching assistants, was to threaten the possibility of dismissal of any university personnel "who participate in any strike or otherwise fail to meet their assigned duties in an effort to disrupt the University administration, teaching, or research. . . ."[5]

In view of these events and movements, it has become important if not imperative for the American Association of University Professors to review its own position in respect to the professional propriety of a concerted withholding of faculty services. In blunter parlance, what is the Association's position on faculty strikes?

The issues were first adumbrated at an Association conference on representation of economic interests convened in December, 1964.[6] They might have been left to leisurely debate had it not been for the shocking dismissals at St. John's, and the subsequent strike call by the American Federation of Teachers when efforts at mediation (including those of our Association) had failed.

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[1] *AAUP Bulletin*, Spring, 1966, pp. 12-19; and Summer, 1966, p. 124.

[2] *New York Times*, April 21, 1967; and October 10, 1967.

[3] New York, Michigan, Rhode Island.

[4] Columbus, Ohio, *Dispatch*, April 23, 1966; *New York Times*, August 25, 1966.

[5] University of California, *University Bulletin*, May 1, 1967, pp. 157-8.

The Association's leadership was then obliged to react to the fact, not simply the theory, of a faculty strike.

The Executive Committee, on January 6, 1966, authorized the General Secretary to release a statement which made the following points of general application (they have been numbered by this committee for convenience in reference).

> [1.] The American Association of University Professors has never looked upon the strike as an appropriate mechanism for resolving academic controversies or violations of academic principles and standards. Regardless of an immediate situation it is in the best long-run interests of the institution and the academic community to use approaches and procedures developed by that community to meet its own objectives and needs. Accordingly, the Association does not endorse a strike against an academic institution.

After promising a "thorough investigation" of the summary dismissals at St. John's, and support to faculty members improperly dismissed, the statement went on to say:

> [2.] In their role as teachers, faculty members have a primary responsibility to their students. Accordingly, if a strike is called, the individual faculty member must carefully weigh this responsibility to his students in reaching his decision whether or not to respect a picket line set up by his colleagues. In a continuing and flagrant situation, a refusal by individual faculty members to cross picket lines maintained by their colleagues, when their refusal is based upon personal dictates of conscience and their intimate familiarity with the facts, should not be considered a violation of professional ethics.
>
> [3.] Faculty members must, of course, also honor the position of those of their colleagues who, on the basis of general professional considerations and their obligations to their students, continue to meet their classes.
>
> [4.] In the same context the Association believes further that it is not a violation of professional responsibility for a faculty member to refuse to teach the classes of a colleague who has been dismissed in violation of accepted principles of academic freedom or tenure.

We call particular attention to the propositions we have numbered 3 and 4, because we think there can be no question of their correctness. We also believe that proposition number 2 is a correct statement of the conflict of loyalties that an individual faculty member may encounter, if a strike is called. It points the way to an ethical resolution, motivated by an informed conscience.

As for the first proposition, its origin in the history of the Association is clear enough but has never been formalized. But it doubtless represented dominant sentiment at the time. It was soon reiterated, although in a different context and perhaps for different reasons, when the Council, on May 1, 1966, adopted an interim policy on "the role of Association chapters as exclusive bargaining representatives." If, within the circumscribed conditions there set forth, a chapter should become an exclusive representative of its faculty, the statement declared that "no strike or work stoppage will be called or supported by the chapter or its officers." [7]

Both statements, those of January 6 and May 1, were the product of some urgency and of limited consideration. Many members of the Council were not sure that they represented the best that could be said on a troublesome and potentially divisive topic. The Council accordingly adopted a resolution proposed on behalf of Committee A, on April 30, 1967, calling on the President to appoint a committee to "report to the Council on the subject of the implications of the use by professors of concerted refusal to perform services as a sanction for obtaining various objectives, and to report on the appropriateness of various kinds of administration responses to the use of this sanction by professors." [8]

The committee formed pursuant to this resolution [9] had little experience with faculty strikes to draw upon, even taking into account the episodes mentioned at the beginning of this report. The history and law of strikes in commerce and industry we think have limited application in view of the premises we hold about the special status of our profession.

We have attempted to arrive at a principled position, which would also be a prudent one. We have come to believe that we should not adhere to the implication of the January 6, 1966, statement that a strike is never "an appropriate mechanism for resolving academic controversies or violations of academic principles and standards." But we are acutely aware that there are a variety of unpredictable elements that would enter into, and of involved consequences that would flow from, a decision to support a faculty strike. We consequently put forward in generalized and severely limited terms the suggestion that sometimes a faculty strike may be appropriate—almost because it becomes unavoidable.

The statement of policy that we propose to the Association has at least the merit of brevity. We therefore introduce it at this point, with a modest commentary following.

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[6] *AAUP Bulletin,* Autumn, 1965, pp. 374-7.

[7] *AAUP Bulletin,* Summer, 1966, p. 230.

[8] *AAUP Bulletin,* Autumn, 1967, p. 335.

[9] The Committee consists of the President, the General Secretary, the Chairmen of Committees A, B, REI, T, and Z. President Byse initially gave the Committee a broad charge to consider questions of representation and bargaining, along with its examination of sanctions that might be invoked by and against faculty members. This explains the overwhelming name of the Committee. It became apparent that the Committee should first concentrate on the propriety of strikes by faculty members. The related problems of policy with respect to collective representation and bargaining, on which the Council had taken positions in 1966, were already under re-examination by Committee T and by the Special Committee on Representation of Economic Interests until it was absorbed into Committee T in mid-1967. (Professor Clyde Summers, who had been Chairman of the REI Committee, was also a member of Committee T and continued to serve as a member of the Special Joint Committee.)

Committee T has proposed to the Council a revised statement of policy on Representation of Economic Interests. The recommendations of this Committee are intended to complement those of Committee T. [See above, p. 152]

Statement on Faculty Participation in Strikes

The American Association of University Professors is deeply committed to the proposition that faculty members in higher education are officers of their colleges and universities. They are not merely employees. They have direct professional obligations to their students, their colleagues, and their disciplines. Because of their professional competence, they have primary responsibility for central educational decisions; they share in the selection of presidents and deans; and their judgment should come first in the determination of membership in the faculty. Where these principles (which are more fully stated in the 1966 *Statement on Government of Colleges and Universities*) are not accepted in their entirety, the Association will continue to press for their realization. We believe that these principles of shared authority and responsibility render the strike inappropriate as a mechanism for the resolution of most conflicts within higher education.

But it does not follow from these considerations of self-restraint that professors should be under any legal disability to withhold their services, except when such restrictions are imposed equally on other citizens. Furthermore, situations may arise affecting a college or university which so flagrantly violate academic freedom (of students as well as of faculty) or the principles of academic government, and which are so resistant to rational methods of discussion, persuasion, and conciliation, that faculty members may feel impelled to express their condemnation by withholding their services, either individually or in concert with others. It should be assumed that faculty members will exercise their right to strike only if they believe that another component of the institution (or a controlling agency of government, such as a legislature or governor) is inflexibly bent on a course which undermines an essential element of the educational process.

Participation in a strike does not by itself constitute grounds for dismissal or for other sanctions against faculty members. Moreover, if dismissal of a faculty member is proposed on this, as on any other ground encompassed by the 1940 *Statement of Principles on Academic Freedom and Tenure,* the proceedings must satisfy the requirements of the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings.* The Association will continue to protect the interests of members of the profession who are singled out for punishment on grounds which are inadequate or unacceptable, or who are not offered all the protection demanded by the requisites of due process.

The proposed statement rests on two attributes of faculty membership in higher education that have been thoroughly expounded,[10] and that we consider axiomatic. One is that professors "share in the government of their institutions." The other is that they have "direct professional obligations to their students, their colleagues, and their disciplines." From these "principles of shared authority and responsibility," how do we derive the conclusion that "the strike [is] inappropriate as a mechanism for the resolution of most conflicts within higher education"?

First, a strike usually (but not always) is called against an employer, in the hope of exerting pressure on him to prevent unwanted events, or to bring about desired ones. The opponent in a faculty strike will usually be the administration or the governing board or both. Resort to the strike as a regular mechanism for the resolution of conflicts with administrations or governing boards imperils the faculty's just claim to partnership in the government of the institution, by implying acceptance of the status of mere employees. Of course, for some purposes, faculty members are employees; they are paid salaries; they have access to a variety of public benefits that favor employees. But the employee status should not be needlessly extended. Employees strike against employers; co-ordinate and interdependent members of a community do not usually strike against each other.

Second, a strike is a witness of failure. Its occurrence means that a relationship that should be one of mutual trust has become an adversary one. A strike, to be sure, will usually be the outcome rather than the cause of a breakdown of communications and confidence. But it carries the risk of further hardening of opposed positions, and of creating deeper rifts. A third and related consideration disfavoring the strike is that it constitutes a reliance on concerted power by those who are pre-eminently charged with advancement and instruction in the uses of reason. Finally, to the extent that a strike is perceived to be in the personal interests of the faculty, it contradicts the dedication of the faculty to the educational interests of the students.

When this, and more, can be said in opposition to faculty strikes, what supports our conclusion that in some circumstances such an act may be justified? The answer depends largely upon the circumstances, and therefore cannot be fully developed in advance of sufficiently provocative events.

The second paragraph of the proposed statement emphasizes flagrant violations of academic freedom, or of good academic government, or of the integrity of some other essential element of higher education. It calls for the pursuit to exhaustion of "rational methods of discussion, persuasion and conciliation." But in the end, one must contemplate situations where self-respect demands an end to temporizing. No more than anyone else can professors be expected to go about their daily duties in an atmosphere poisoned by injustice and destructiveness.

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[10] *AAUP Bulletin,* Autumn, 1966, pp. 290-1; and Winter, 1966, pp. 375-9.

It may be said—and this course was commended for those who took it in the St. John's case—that the proper response to an intolerable environment is to resign, effective at the end of the academic term or year. This has the marked advantage of not leaving one's students stranded. It is a courageous act which forcefully notifies the administration, and others, that the faculty member finds the situation so bad that he wishes to sever all connections with the institution. But such a delayed response may permit an intolerable situation to become insuperable. A strike is supposed to have a shock effect, and some shocks are salutary. Either cumulative grievances, or a precipitate act of tyranny, may be reversible only by a demonstration that galvanizes all components of the internal and external community. The faculty may find that it has valuable allies if with deliberate spontaneity it takes a bold stand.

The proposed statement, in a parenthesis that is far from incidental, also points out that the source of outrage may be a "controlling agency" outside a particular campus. In a time when the autonomy of local faculty and administration may be impaired by the creation of statewide boards, and by the endemic intervention of governors and legislators, any one of these, if heedless of academic freedom or of spheres of professional competence, may become the common enemy. The more remote such an external force is, the more insensitive it may be to the legitimate claims of a faculty. Thus a legislature, accustomed to direct political confrontations, may sometimes be moved only if the faculty confronts it with a dramatic defiance.

None of these observations offers specific guidance for action or inaction. Our experience with actual cases is so slight that we feel unable to respond with any confidence to hypothetical ones. We should perhaps comment on a few recurring situations. What about economic issues, when the faculty is thwarted in demands for more pay and less work? Do such rebuffs create an appropriate occasion for strikes? We suggest not, when it is a matter of a little more, or a little less. Circumstances can be imagined, of gross disparities, of a severe cut in salary appropriations, of scandalous teaching loads, that might properly be characterized as undermining the educational process. But we emphatically reject the industrial pattern which holds the strike in routine reserve for use whenever economic negotiations reach an impasse.

We are of the opinion that a strike is clearly inappropriate when it does not have positive educational objectives. For example, if a faculty affiliated with a trade union struck in support of claims against the institution of another trade union—for example of service employees—we should consider this inappropriate. Similarly, a strike to dramatize some national or international political position could not be countenanced by a professional organization like this Association.

We have been speaking so far of the propriety of strikes, not of their legality. Faculty members in public institutions, in most of the states, share in the legal constraints that rest generally on public employees.[11] The notion that public servants have no "right to strike" is a persistent one—kept alive by the same Congress and legislatures that guarantee this "right" to those in private employment. Even though many recent episodes, including teachers' strikes, demonstrate that these punitive restrictions are often ineffective, we do not suggest that faculty members in higher education should violate the law.

But we do, in the first sentence of the second paragraph of the proposed statement, place the Association in opposition to such laws. Public servants directly concerned with public health and safety—the classic examples are police and firemen—may have to endure restraints on their freedom to refuse their services. While we place a lofty value on higher education, we do not believe that its interruption by a strike affects the public health and safety. If declarations of national emergency or other overriding public policies generally limited freedom to withhold services, we should not ask for nor expect discrimination in favor of teachers. But, along with the many other public functionaries whose continuous services are not vital to the community, teachers in public institutions of higher education should not have their liberties automatically restricted simply because (to the extent that they are employees) a governmental agency is their employer.

The third paragraph of the proposed statement deals briefly (and, we concede, incompletely) with institutional sanctions against participation in a faculty strike. The reminder that due process in all its fullness must be observed, especially when dismissal for cause of a faculty member is proposed, is unqualified and needs no amplification. But the declaration that participation in a strike is not "by itself" grounds for administrative penalties or punishments is indeterminate. It does not say that faculty members are free to absent themselves from their duties without any fear of painful consequences. Withholding of services during term time is *prima facie* a breach of contract. It may not be so if the other party to the contract has by his own acts disabled himself from enforcing it. These observations, we recognize, are barely an introduction to complicated issues that must be the subject for further exploration.

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[11] A helpful memorandum to the General Secretary by Professor Robert A. Gorman (Law, University of Pennsylvania), "Statutory Responses to Collective Bargaining in Institutions of Higher Learning" (January, 1968), observes: "The most significant deviation [for public employment] from the private-employment model is the wide-spread statutory proscription upon the right of public employees to engage in a strike or other form of work stoppage. Beyond the mere proscription, and the statement of penalties for its violation, it is not uncommon for a statute to provide that no employee organization may serve as a representative in collective bargaining unless it affirmatively renounces the right to strike and declares that it will not assist or participate in any such strike. The outlawing of the strike is understood to apply to any concerted withholding of services by present employees (probably including the solicitation of mass resignations). . . ." (p. 9)

We note with gratification that the seeming threat of the University of California Regents' resolution, mentioned earlier in this report, was moderated when the Regents, speaking through Acting President Wellman, made it clear that the resolution was intended to "identify a particular cause which *might* make University personnel subject to dismissal or other disciplinary action." [Emphasis supplied.] The Wellman memorandum also states that hearings would be provided in accordance with tenure regulations, and that "all relevant circumstances of individual cases will be considered." [12] We can only agree heartily that "all relevant circumstances" should be considered. Once again, we would remind the academic community that a strike is not a carefree holiday; it is a hostile act leading to possible reprisals. As in war, even victory may be attended by casualties.

Indeed, we might have hesitated to move as far as we have in the proposed statement in the face of a contrary tradition within our own Association, and in view of all the risks and uncertainties that we have tried to suggest, if we had not found support in an inquiry almost parallel to ours. An able task force (composed entirely of professors) of the American Association for Higher Education, recently spoke as follows:

> We conclude that there are no decisive reasons why the faculty should be denied the opportunity to strike, in terms of either society's essential needs or the long-run interests of the institution. Most faculty members will resist the tendency to strike because use of this weapon seems inconsistent with their view of themselves as members of a profession committed to reason. We share this hesitancy to endorse strikes, but we do not automatically reproach a faculty which feels compelled to take this step as a last resort when other methods have been exhausted. If the administration has denied the faculty the right to participate effectively in campus decision-making, then it must accept a major share of the responsibility when a strike ensues. [13]

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[12] University of California, *University Bulletin,* September 25, 1967, p. 48.

[13] *Faculty Participation in University Governance,* AAHE, 1967, p. 52. See p. v for the membership of the Task Force.

Statement on Professional Ethics

(Endorsed by the Fifty-Second Annual Meeting)

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to students, and in his conduct when resigning from his institution or when undertaking government-sponsored research.[1] The *Statement on Professional Ethics* that follows, necessarily presented in terms of the ideal, sets forth those general standards that serve as a reminder of the variety of obligations assumed by all members of the profession. For the purpose of more detailed guidance, the Association, through its Committee B on Professional Ethics, intends to issue from time to time supplemental statements on specific problems.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to assure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the General Secretary and Committee B, to counsel with any faculty member or administrator concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of dismissal, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings.*

The Statement

I. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subject is to seek and to state the truth as he sees it. To this end he devotes his energies to developing and improving his scholarly competence. He accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. He practices intellectual honesty. Although he may follow subsidiary interests, these interests must never seriously hamper or compromise his freedom of inquiry.

II. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom.

III. As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associates. In the exchange of criticism and ideas he shows due respect for the opinions of others. He acknowledges his academic debts and strives to be objective in his professional judgment of colleagues. He accepts his share of faculty responsibilities for the governance of his institution.

IV. As a member of his institution, the professor seeks above all to be an effective teacher and scholar. Although he observes the stated regulations of the institution, provided they do not contravene academic freedom, he maintains his right to criticize and seek revision. He determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it. When considering the interruption or termination of his service, he recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions.

V. As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

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[1] 1964 Committee A Statement on Extra-Mural Utterances (Clarification of sec. 1c of the 1940 *Statement of Principles on Academic Freedom and Tenure*)
1968 *Joint Statement on Rights and Freedoms of Students*
1961 *Statement on Recruitment and Resignation of Faculty Members*
1964 *On Preventing Conflicts of Interest in Government-Sponsored Research*
1966 *Statement on Government of Colleges and Universities*

Statement on Recruitment and Resignation of Faculty Members

The *Statement on Recruitment and Resignation of Faculty Members*, reprinted below, was adopted by the Association of American Colleges in January, 1961, with the following reservations as set forth in a preamble prepared by that Association's Commission on Academic Freedom and Tenure:

1. No set of principles adopted by the Association can do more than *suggest* and *recommend* a course of action. Consequently, the present statement in no way interferes with institutional sovereignty.
2. The Commission realizes that the diversity of practice and control that exists among institutions of higher learning precludes any set of standards from being *universally* applicable to every situation.
3. The statement is concerned only with *minimum* standards and in no way seeks to create a norm for institutions at which "better" practices already are in force.
4. The Commission recognizes the fact that "emergency" situations will arise and will have to be dealt with. However, it urges both administration and faculty to do so in ways that will not go counter to the spirit of cooperation, good faith and responsibility that the statement is seeking to promote.
5. The Commission believes that the spirit embodied in the proposed statement is its most important aspect.

In view of these reservations, the Council of the American Association of University Professors, in April, 1961, voted approval of the Statement without adopting it as a binding obligation. Endorsement of the Statement in this form was voted by the Forty-Seventh Annual Meeting.

THE STATEMENT

Mobility of faculty members among colleges and universities is rightly recognized as desirable in American higher education. Yet the departure of a faculty member always requires changes within his institution, and may entail major adjustments on the part of his colleagues, the administration, and students in his field. Ordinarily a temporary or permanent successor must be found and appointed to either his position or the position of a colleague who is promoted to replace him.

In a period of expansion of higher education, such as that already existing and promising to be even more intensified as a pattern for the coming years, adjustments are required more frequently as the number of positions and of transfers among institutions increases. These become more difficult than at other times, especially in the higher academic ranks. Clear standards of practice in the recruitment and in the resignations of members of existing faculties should contribute to an orderly interchange of personnel that will be in the interest of all.

The standards set forth below are recommended to administrations and faculties, in the belief that they are sound and should be generally followed. They are predicated on the assumption that proper provision has been made by employing institutions for timely notice to probationary faculty members and those on term appointments, with respect to their subsequent status. In addition to observing applicable requirements for notice of termination to probationary faculty members, institutions should make provision for notice to all faculty members not later than March 15 of each year of their status the following fall, including rank and (unless unavoidable budget procedures beyond the institution forbid) prospective salary.

1. Negotiations looking to the possible appointment

for the following fall of persons who are already faculty members of other institutions, in active service or on leave-of-absence and not on terminal appointment, should be begun and completed as early as possible in the academic year. It is desirable that, when feasible, the faculty member who has been approached with regard to another position inform the appropriate officers of his institution when such negotiations are in progress. The conclusion of a binding agreement for the faculty member to accept an appointment elsewhere should always be followed by prompt notice to his institution.

2. A faculty member should not resign in order to accept other employment as of the end of the academic year, later than May 15 or 30 days after receiving notification of the terms of his continued employment the following year, whichever date occurs later. It is recognized, however, that this obligation will be in effect only if institutions generally observe the time factor set forth in the following paragraph for new offers. It is also recognized that emergencies will occur. In such an emergency the faculty member may ask the appropriate officials of his institution to waive this requirement; but he should conform to their decision.

3. To permit a faculty member to give due consideration and timely notice to his institution in the circumstances defined in paragraph 1 of these standards, an offer of appointment for the following fall at another institution should not be made after May 1. The offer should be a "firm" one, not subject to contingencies.

4. Institutions deprived of the services of faculty members too late in the academic year to permit their replacement by securing the members of other faculties in conformity to these standards, and institutions otherwise prevented from taking timely action to recruit from other faculties, should accept the necessity of making temporary arrangements or obtaining personnel from other sources, including new entrants to the academic profession and faculty personnel who have retired.

5. Except by agreement with his institution, a faculty member should not leave or be solicited to leave his position during an academic year for which he holds an appointment.

A Report from Committee B
Late Resignation and Professional Ethics

When Committee B on Professional Ethics presented the Statement on Professional Ethics *to the Association's membership for adoption in 1966, it indicated intention of issuing occasional reports on specific problems. In accordance with that plan, the Committee has authorized the publication of this report on its current policies and procedures, particularly as they relate to the issue of late resignations.*

Of the many problems with respect to professional ethics which have been called to the attention of the Association's Washington Office, the most consistent one has been that of late resignations and a failure on a faculty member's part to give due notice of resignation as defined in the *Statement on Recruitment and Resignation of Faculty Members,* endorsed as Association policy in 1961 at the Forty-seventh Annual Meeting. Over the past five years, an average of about seven situations per year involving questions of late resignation have been reported to the Association. There has been a significant increase, since the adoption of the *Statement on Professional Ethics,* in communications from faculty members seeking advice prior to making decisions on whether to resign at a late date. There has also been an increasing number of instances in which persons raising questions in the area of late resignations have offered the Association specific evidence relating to their positions and have sought specific Association action.

The *Statement on Professional Ethics* provides that "When considering the interruption or termination of his service, he [the teacher] recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions." The *Statement on Recruitment and Resignation of Faculty Members* defines due notice as "no later than May 15 or 30 days after receiving notification of the terms of his continued employment the following year, whichever date occurs later." It recognizes that emergencies may occur, in which case "the faculty member may ask the appropriate officials of his institution to waive this requirement; *but he should conform to their decision* [emphasis added]."

Committee B considers the reasonableness of prompt notice of resignation self-evident and widely recognized in the profession. It takes the need for appropriate notice most seriously. An Association which urges that faculty members be given ample notice by a university administration when their services are terminated must also make every appropriate effort to persuade faculty members to give due notice when they initiate a termination.

A faculty member who has committed his services to one academic institution and then accepts a position at another is often responding to a late offer of appointment by the other institution. The situation may be analogous to one involving a bribe; it is unethical to accept it, but equally so to offer it. The *Statement on Recruitment and Resignation of Faculty Members,* authored jointly by the American Association of University Professors and the Association of American Colleges, indicates that faculty members can be considered obligated to give due notice "only if institutions generally observe the time factor . . . for new offers" defined as follows: "To permit a faculty member to give due consideration and timely notice to his institution in the circumstances defined in . . . these standards, an offer of appointment for the following fall at another institution should not be made after May 1." Committee B regards the honoring of faculty commitments as being in frequent cases a joint responsibility of faculty members and appointing institutions. It intends to include consideration of the party or parties making late offers in its inquiries into instances of late resignation (see Statement 5 under "Policies and Procedures" below).

Committee B views the making of charges against named persons in letters directed to the Association as a serious matter. It expects, therefore, that any party making such charges will prove willing to support them by supplying evidence as requested by Committee B, so that responsible inquiries can be made.

Policies and Procedures of Committee B with respect to the Association's *Statement on Professional Ethics*

1. Committee B reaffirms its position stated in the Introduction to the *Statement on Professional Ethics,* that questions involving propriety of conduct should normally be handled within the framework of individual institutions by reference to a faculty group. The primary function of such faculty activity should be educative, to inform faculty, students, and administrators about principles of professional ethics and to encourage their observ-

ance. The Association, through the General Secretary and Committee B, stands ready to counsel in matters relating to such faculty function or to particular questions of professional ethics. In a breach of professional ethics deemed serious enough for the possibility of dismissal to be contemplated, the procedures followed by the institution should be in accord with the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings.*

2. The Committee does not recommend or envisage public Association censure of an individual member of the academic community because of a breach of ethics. In the area of professional ethics, where censure would normally be against an individual, it is difficult to conceive of procedures for the adequate redress of wrong and assurance of effective removal of such censure.

3. Committee B is continuing its interest in specific cases of professional ethics which do not lend themselves to resolution within the confines of the college or university where they occur.

4. In inquiring into complaints involving cases of late notice of resignation, the Committee attempts to secure full information from the parties primarily concerned, including persons making offers leading to late resignations. To the extent appropriate, the Committee communicates its views to the principal parties directly involved.

5. The Committee continues to see its own primary function as educative. It is manifestly the Committee of the Association which speaks to the individual responsibility of the members of the profession. An Association of over 90,000 members devoted to high standards of professional excellence need show no uneasiness over such a committee's role or voice, nor need administrations or governing boards find in its presence any reason to abrogate proper standards and principles of academic freedom and tenure, procedural due process, or a faculty's role in institutional government.

Joint Statement on Rights and Freedoms of Students

In June, 1967, a joint committee, comprised of representatives from the American Association of University Professors, U. S. National Student Association, Association of American Colleges, National Association of Student Personnel Administrators, and National Association of Women Deans and Counselors, met in Washington, D.C., and drafted the Joint Statement on Rights and Freedoms of Students *published below.*

Since its formulation, the Joint Statement has been endorsed by each of its five national sponsors, as well as by a number of other professional bodies.

Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. Freedom of Access to Higher Education

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

II. In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression.

Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. *Protection of Freedom of Expression*

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. *Protection against Improper Academic Evaluation*

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. *Protection against Improper Disclosure*

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

III. Student Records

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provisions should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. Student Affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. *Freedom of Association*

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

3. If campus advisers are required, each organization should be free to choose its own adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition.

5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. *Freedom of Inquiry and Expression*

1. Students and student organization should be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and large community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. *Student Participation in Institutional Government*

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. *Student Publications*

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible, the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary.

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university, or student body.

V. Off-Campus Freedom of Students

A. *Exercise of Rights of Citizenship*

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. *Institutional Authority and Civil Penalties*

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. Procedural Standards in Disciplinary Proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an honor code, and the degree to which the institutional officials have direct acquaintance with student life in general and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees.

A. *Standards of Conduct Expected of Students*

The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. *Investigation of Student Conduct*

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. *Status of Student Pending Final Action*

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or university property.

D. *Hearing Committee Procedures*

When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality.

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matters. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the president or ultimately to the governing board of the institution.

The Role of the Faculty in the Accrediting of Colleges and Universities

The Statement which follows was prepared by the Association's Committee D on Accrediting of Colleges and Universities. It was approved by the Council of the American Association of University Professors in April, 1968, and endorsed by the Fifty-fourth Annual Meeting as Association policy.

Institutional evaluation is a joint enterprise between institutions of higher education and the accrediting commissions of regional associations. For their most effective work the accrediting commissions require the cooperative effort of qualified faculty members and administrators, who should be encouraged by their colleges and universities to participate in the work of the commissions. Within a college or university, the nature of the accrediting process requires common enterprise among the faculty, the administration, and to some extent the governing board. The appraisal of the academic program should be largely the responsibility of faculty members. They should play a major role in the evaluation of the curriculum, the library, teaching loads and conditions, research, professional activities, laboratories and other academic facilities, and faculty welfare and compensation, all in relation to the institution's objectives and in the light of its financial resources. To higher education generally, faculty members may exercise a special responsibility as the segment of the educational community which is in the best position to recognize and appraise circumstances affecting academic freedom, faculty tenure, faculty role in institutional government, and faculty status and morale. This statement presents standards for the expression of faculty interest and responsibility in the accreditation process.

Recommended Standards for Institutions of Higher Education

1. Primary responsibility for the preparation of the academic aspects of the self-evaluation should rest with a committee composed largely of faculty members and responsible to the faculty as a whole. Additions or deletions should be made only after consultation with the authors of the sections of the report which are affected.

2. The self-evaluation should include a description of:
   a. Conditions of academic freedom and tenure (including provisions for due process);
   b. Conditions of faculty participation in institutional government (including provisions for the orderly handling of grievances and disputes);
   c. Faculty status and morale (including working conditions and total compensation).

Significant differences of opinion in these and other areas should be reflected in the self-evaluation.

3. The completed self-evaluation should be made available to the entire faculty prior to its submission to the accrediting commission and should be subject to amendment in the light of faculty suggestions.

4. Representative faculty, including members of appropriate faculty committees, should be available to meet with the visiting committee to discuss questions of faculty concern.

5. The report of the visiting committee should be made available to the entire faculty.

6. The faculty should be fully informed of the accrediting commission's action after an evaluation and should be kept abreast of all significant developments and issues arising between the accrediting commission and the institution. It should participate, as in the self-evaluation, in any subsequent activities regarding the institution's accreditation.

Recommended Standards for the Regional Accrediting Commissions

1. Regular visiting committees should include full-time teaching or research faculty members.

2. A formally adopted institutional policy on academic freedom and tenure, consistent with the major provisions

of the 1940 *Statement of Principles on Academic Freedom and Tenure,* should be a condition for accreditation.

3. Reports by regular visiting committees should take explicit account of:
    a. Conditions of academic freedom and tenure (including provisions for due process);
    b. Conditions of faculty participation in institutional government (including provisions for the orderly handling of grievances and disputes);
    c. Faculty status and morale (including working conditions and total compensation).

The reports should describe any significant shortcomings in these areas.

4. When significant shortcomings in the areas listed above have been found, the commissions should deal with these as with similar shortcomings in other areas, endeavoring to secure improvement and applying appropriate sanctions in the absence of improvement within a reasonable time.

5. A gross violation of academic freedom, tenure, or due process should, unless promptly corrected, lead to action looking towards withdrawal of accreditation.

On Preventing Conflicts of Interest in Government-Sponsored Research at Universities

The many complex problems that have developed in connection with the extensive sponsored research programs of the federal government have been of growing concern to the government, the academic community, and private industry. Much of this concern has been based upon the interrelationship of the numerous individual commitments that develop in an annual program now well over a billion dollars and the many conflicts of interest possible as a result. The Association, through its Council, and the American Council on Education, working in cooperation with the President's Science Advisor and the Federal Council of Science and Technology, have developed a statement of principles formulating basic standards and guidelines in this problem area.

An underlying premise of the statement is that responsibility for determining standards affecting the academic community rests with that community, and that conflict of interest problems are best handled by administration and faculty in cooperative effort. In addition to providing guidelines, the statement seeks to identify and alert administration and faculty to the types of situations that have proved troublesome. Throughout, it seeks to protect the integrity of the objectives and needs of the cooperating institutions and their faculties, as well as of sponsoring agencies.

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure that all individuals participating in their respective behalfs are informed of and apply the standards and procedures that are so developed.

Consulting relationships between university staff members and industry serve the interests of research and education in the university. Likewise, the transfer of technical knowledge and skill from the university to industry contributes to technological advance. Such relationships are desirable, but certain potential hazards should be recognized.

A. Conflict Situations

1. *Favoring of outside interests.* When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or a consulting arangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between his Government-sponsored university research obligations and his outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:

a. Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;

b. Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;

c. Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of his Government-sponsored research);

d. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);

e. Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the university and private organizations with which he has consulting or other significant relationships;

f. Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. *Distribution of effort*. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which he divides his effort among these various functions does not raise ethical questions unless the Government agency supporting his research is misled in its understanding of the amount of intellectual effort he is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions he performs are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of his effort to the Government-sponsored research, or he agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of his involvement is to be expected. Each university, therefore, should—through joint consultation of administration and faculty—develop procedures to assure that proposals are responsibly made and complied with.

3. *Consulting for Government agencies or their contractors*. When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, his conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963, *Preventing Conflicts of Interest on the Part of Special Government Employees*. When he consults for one or more Government contractors, or prospective contractors, in the same technical field as his research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on his other interests. In undertaking and performing consulting services, he should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university or for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which he has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

B. University Responsibility

Each university participating in Government-sponsored research should make known to the sponsoring Government agencies:

1. The steps it is taking to assure an understanding on the part of the university administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations, and

2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:

a. Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;

b. Procedures that enable it to be aware of the outside professional work of staff members participating in Government-sponsored research, if such outside work relates in any way to the Government-sponsored research;

c. The formulation of standards to guide the individual university staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and

d. The provision within the university of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation in Government-sponsored university research. The university may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the university when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the university and its staff members that have traditionally characterized a university. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the university community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

Statement on Instructional Television

The following Statement on Instructional Television *was prepared by Committee C on Teaching, Research, and Publication. It was approved by the Council of the American Association of University Professors in May, 1969, and endorsed by the Fifty-fifth Annual Meeting of the Association.*

Preamble

Televised instruction may be by recording, live performance, or a mixture of the two, and may be broadcast or presented on a closed circuit. In closed-circuit transmission, the instructional program is usually received on television monitors in viewing rooms within the institution. Broadcasting is often designed for the general public or off-campus students as well as students located on campus, and may include programs of cultural enrichment ("educational television") as well as programs offered for course credit or in other ways directly supporting the educational objectives of the institution ("instructional television").

Both recorded and live performances, whether broadcast or presented on closed circuit, may involve special legal or administrative problems. Recording, for example, is often technically and administratively simpler than actual performance, but may require the consideration of additional questions of copyright, not only for materials previously protected but also for materials created expressly for the new program. Closed-circuit television is more suitable than general broadcasting for use as a supplement in regular course instruction; its use, however, raises questions of the appropriate distribution of authority and responsibility between the administration and the separate departments or programs within a given institution. Broadcasting is technically more complex, more expensive, and directed to a wider audience, and it is under the regulation of the Federal Communications Commission; for all these reasons, it is likely to entail a more elaborate organizational pattern than that required for closed-circuit instruction, with a greater measure of autonomy for the technical and producing staff and a larger expenditure of time and resources on extra-institutional goals.

More important, the development of instructional television has brought into being conditions never envisaged in the earlier academic tradition, raising many basic questions about standards for teaching and scholarship. Six of these altered conditions deserve special mention here. One is that the teacher typically does not have the usual face-to-face relationships with the student in or outside the classroom. Another is that special means must be devised for assigning, guiding, and evaluating the work of students. A third is that the teacher is using a means of communication dependent upon an extremely complex and expensive apparatus which is not under his exclusive control and which requires for its operation special technical knowledge. A fourth is that the teacher's lectures and demonstrations can be recorded and reused without the teacher's being present. A fifth is that the teacher's rights, whether academic or legal, are imperfectly understood. And a sixth is that little careful attention has been given to the question of the faculty's authority in determining policies and procedures for the use of television in the institutional program.

It is imperative, therefore, that institutions now using or planning to use television as an incidental or integral part of their programs should give full consideration to the educational functions which the new medium is intended to perform and to the specific problems which any given application will raise. Traditional principles of sound academic procedure will often apply to the new medium, either directly or by extension, but they will not always cover the new problems. When they fail to do so, new principles must be developed by means of which the new medium may be made to serve most effectively the basic, continuing educational objectives of our colleges and universities. It is the purpose of this Statement to offer some appropriate guidelines to this end.

Principles

General

The use of television in teaching should be for the purpose of advancing the basic functions of colleges and universities to preserve, augment, criticize, and transmit knowledge and to foster the student's ability to learn. The development of institutional policies concerning instructional television as an instrument of teaching and research is therefore the responsibility of the academic community.

Usually no restriction should be placed by the institution on a faculty member's occasional activities in commercial television. Such activities should be sufficiently limited so that they do not interfere with his obligations as a faculty member to his institution. In the event that there are sufficient reasons for his greater involvement in commercial television, he should make appropriate arrangements, such as for reduced teaching load and compensation or a leave of absence, in accordance with governing academic principles.

Areas of Responsibility

The governing board, administration, faculty, and students all have a continuing concern in determining the desirability and feasibility of television as an educational instrument. Institutional policies on instructional television should define the respective areas of responsibility for each group in terms of the particular competence for the functions which that group undertakes. In developing these policies, all four groups should bear in mind that television is one educational means among many, and not an end in itself, for carrying out the basic functions of a college or university.

Faculty Responsibility

The faculty should have primary responsibility for determining the instructional television policies of the institution. The responsibility should be conferred and defined by regulations promulgated by the governing body. The rules governing instructional television should be approved by vote of the faculty concerned or by a representative faculty body, officially adopted by the appropriate authority, and published.

The departmental faculty should determine the extent to which closed-circuit television should be used, and the manner of its use, in resident instruction. Such departmental practices should conform to institutional policies.

Courses to be given for credit by television broadcast, whether for resident or extension credit, should be considered and approved by the faculties of the department, division, school, college, or university or by such representatives of these bodies as pass upon curricular matters generally. These provisions should apply to courses whether given by actual (live) performance or by recordings.

The faculty should determine the amount of credit which may be earned by a student toward a degree in courses given by television broadcast.

The faculty of the college or university should establish general rules and procedures for the granting of teaching load credit in the preparation and the offering of courses by television broadcast and for the allocation of supporting resources. Within the general provisions of these governing regulations, specific arrangements for courses offered by its members should be made within the department.

Adequate preparation for a television course, whether by live broadcast or recording, requires considerable time and effort for the writing and revision of scripts, planning of course assignments and tests, participation in rehearsals, and the distribution of informational materials to students. The teacher may, therefore, need to devote full time for the period of a term or more to these activities. While the course is being given, the demands on the teacher include not only appearances before the camera but also communications and conferences with students, evaluation of their work, keeping of course records, and also supervision of academic and clerical assistants. In some circumstances, accordingly, a one-semester course may constitute a full year's load for the teacher.

Adequate support in the form of academic and clerical assistance, facilities for communicating and conferring with students, library resources, and an operating budget should be provided the teacher so that he may adequately carry out his instructional responsibilities. Since instruction by television does not allow for an exchange of reactions between students and teacher in the normal classroom setting, adequate provisions should be made for the students to confer with the teacher, or his academic assistant, by correspondence or personal conference.

The faculty should make certain that live or recorded programs [illegible] are prepared by the institution for other colleges and universities, whether for course credit or not, meet the same standards of appropriateness and excellence as those prepared for use in its own institution.

Courses prepared by the institution for elementary and secondary schools should meet the academic standards set by the faculties of the disciplines concerned.

Whenever possible, the faculty should give encouragement to television programs of cultural enrichment addressed to the general public as well as to its own students.

Teaching Appointments

The precise terms and conditions of every appointment should be stated in writing and be in the possession of the faculty member and the institution before the appointment to participate in instruction by television is consummated.

No member of the faculty should be required to participate in instructional television as teacher, writer, consultant, or in any other capacity unless he consents in advance to such participation. A newly appointed member of the faculty should not be required to participate in instructional television unless he has agreed to do so as a condition of his appointment.

Academic Freedom

A faculty member engaged in instructional television is entitled to academic freedom as a teacher, researcher, and citizen in accordance with the provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly developed by the Association of American Colleges and the American Association of University Professors and endorsed by many educational and professional organizations.

Because television production is a form of publication,

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a faculty member has the same freedom to enter into an agreement with an educational or commercial agency to produce, or otherwise participate in, a television program as he has in arranging for the publication of his own writings with a commercial, university, or other nonprofit press or with a scholarly or professional journal.

Selection of Materials

The teacher should have the same full responsibility for the selection and presentation of materials and of points of view in courses offered by television as he has in those given by traditional means. For departmental and interdepartmental projects the faculty concerned should share this responsibility.

Technical Considerations

A faculty member who undertakes to teach by television should acquaint himself with the rudiments of the technical procedures in recording and live performance as they relate to his own professional activity so that his subject matter may be most effectively presented, and he should cooperate with the producer and other members of the production staff in every reasonable way. The teacher, nevertheless, has the final responsibility for the content and objectives of the program.

Proprietary Rights and Educational Policies

To protect the interests of the individual creators and the educational objectives of the institution, the faculty should establish and publish appropriate guiding policies and procedures. Explanations should be provided for faculty members unfamiliar with copyright law.

These policies should include provisions for appropriate compensation to the creator for his original production and for its reuse when recorded.

Provision should also be made so that the original teacher-creator, or an appropriate faculty body, can exercise control of the future use and distribution of a recorded television course and can initiate periodic reviews to determine whether the course should be revised or withdrawn from instructional use because of obsolescence.

No recording of a teacher's presentation in the traditional classroom setting, whether for reuse on instructional television or for any other purpose, should be made without his prior knowledge and consent.

A recorded program of instruction is an academic document. Hence, like any other scholarly work, it should bear the name of its author, his institutional affiliation, the date when it was recorded, and appropriate acknowledgments.

Statement of Principles on Academic Retirement and Insurance Plans

The Statement which follows was prepared by a joint committee of the American Association of University Professors and the Association of American Colleges. It was adopted by the Council of the American Association of University Professors in May, 1969, and endorsed by the Fifty-fifth Annual Meeting as Association policy.

The purpose of an institution's retirement policy for faculty members and administrators and its program for their insurance benefits and retirement annuities should be to help educators and their families withstand the financial impacts of illness, old age, and death, and to increase the educational effectiveness of the college and university. This policy and program should be designed to attract individuals of the highest abilities to educational work, to sustain the morale of the faculty, to permit faculty members to devote their energies with singleness of purpose to the concerns of the institution and the profession, and to provide for the orderly retirement of faculty members and administrators.

The following practices are recommended:

1. The retirement policy and annuity plan of an institution, as well as its insurance plans, should:

a. Be clearly defined and easily understandable by both the faculty and the administration of the institution. When the age of retirement is fixed, the faculty member or administrator should be reminded of his approaching retirement at least one year prior to the date on which it is to become effective. When the retirement age is flexible, he should be informed of his impending retirement at least six months prior to the date on which it is to occur, except that if he is to be retired as early as age 65, this period should be at least one year.

b. Take into account the old age, survivor, disability, and medical benefits of federal Social Security and other applicable public programs.

c. Permit mobility of faculty members and administrators among institutions without loss of accrued retirement benefits and with little or no gap in annuity and insurance plan participation.

d. Be reviewed periodically by faculty and administration of the institution, with appropriate recommendations to the institution's governing board, to assure that the plans continue to meet the needs, resources, and objectives of the institution and the faculty.

2. Retirement should normally occur at the end of the academic year in which the faculty member or administrator reaches the age specified for retirement by his institution's plan. Each institution should make clear whether, for these purposes, the summer period attaches to the pre-

ceding or the forthcoming academic year. Retirement provisions currently in effect at different institutions vary in the age specified for retirement and in the degree of flexibility relating to extensions of active service. Cogent arguments can be advanced in support of a number of these arrangements. Since conditions vary greatly among institutions, however, no universally applicable formula can be prescribed. Plans in which the retirement age falls within the range of 65 to 70 appear to be in conformity with reasonable practice.

Where the institution has a flexible plan that provides for extension of service beyond its base retirement age, extensions should be by annual appointment and ordinarily should not postpone retirement beyond the end of the academic year in which age 70 is attained. Such extensions should be made upon recommendation of representatives of the faculty and administration through appropriate committee procedures that assure full protection of academic freedom. Representatives of the faculty should be chosen in accordance with procedures adopted by the faculty for committee appointment. (This also applies to the responsibilities noted in 1d, 3, and 4.)

3. Circumstances that may seem to justify a faculty member's retirement before the base retirement age in a flexible plan or the stated age in a fixed plan, or his disassociation from the institution for reasons of disability, should in all cases be considered by representatives of the faculty and administration through appropriate committee procedures. Where issues of tenure are involved in a case of retirement before the base retirement age in a flexible plan or the stated age in a fixed plan, standard procedures of due process should be available.

4. The retirement age for faculty may differ from the age for retirement from administrative duties. Cessation of administrative duties, however, with assignment of teaching responsibilities only, is not interpreted as a retirement.

5. The recall of faculty members from retired status to full or part-time activity should be by annual appointment upon recommendation of representatives of the faculty and administration through appropriate committee procedures. Such recall should be rare; expected duties should be clearly defined; and full-time service should be arranged only in unusual circumstances.

6. Between the ages of 60 and retirement, faculty members should be permitted to arrange, on their own initiative, reductions in salary and services acceptable both to them and to their institutions. Such reductions in salary and services should occur without loss of tenure, rank, or eligibility for benefit-plan participation.

7. The institution should provide for a plan of retirement annuities. Such a plan should:

a. Require participation after not more than one year of service by all full-time faculty members and administrators who have attained a specified age, not later than 30.

b. Be financed by contributions made during each year of service, including leaves of absence with pay, with the institution contributing as much as or more than each participant. Moreover, an institution's retirement plan should be so organized as to permit voluntary annuity contributions from employees on leaves of absence without pay. In order that participants in a contributory plan may have the tax treatment of a noncontributory plan available to them, the individual should have the option to make his required contributions by salary reduction in accordance with relevant tax laws.

c. Maintain contributions at a level considered sufficient to give the long-term participant a retirement income that is appropriately related to his level of income prior to retirement, with provision for continuing more than half of such retirement income to a surviving spouse. The recommended objective for a person who participates in the plan for 35 or more years is an after-tax retirement income including federal Social Security benefits equivalent in purchasing power to approximately two-thirds of the yearly disposable income realized from his salary after taxes and other mandatory deductions during his last few years of full-time employment.

d. Ensure that the full accumulations from the individual's and the institution's contributions are fully and immediately vested in the individual, available as a benefit in case of death before annuity payments commence, and with no forfeiture in case of withdrawal or dismissal from the institution.

e. Be such that the individual may withdraw the accumulated funds only in the form of an annuity. To avoid administrative expense, exception might be made for very small accumulations in an inactive account.

8. The institution should help retired faculty members and administrators remain a part of the institution, providing, where possible, such facilities as: a mail address, library privileges, office facilities, faculty club membership, the institution's publications, secretarial help, administration of grants, laboratory rights, faculty dining privileges, and participation in convocations and academic processions. Institutions that confer the emeritus status should do so in accordance with standards determined by the faculty and administration.

9. When a new retirement policy or annuity plan is initiated or an old one changed, reasonable transition provisions, either by special financial arrangements or by the gradual inauguration of the new plan, should be made for those who would otherwise be adversely affected.

10. The institution should maintain a program of group insurance financed in whole or in part by the institution and available to faculty members and administrators as soon as practicable after employment. The program should continue all coverages during leave of absence with pay, and during leave without pay unless equally adequate protection is otherwise provided for the individual. The program should include:

a. Life insurance providing a benefit considered sufficient to sustain the standard of living of the staff member's family for at least one year following his death. Where additional protection is contemplated, the special financial needs of families of younger faculty members should receive particular consideration.

b. Insurance for medical expenses, with emphasis upon protection against the major expenses of illness or injury in preference to minor expenses that cause no serious drain on a family's budget. Such insurance should continue to be available through the institution (1) for the retired staff member and spouse, and (2) for the surviving spouse who does not remarry and dependent children of an active or retired staff member who dies while insured.

c. Insurance providing a monthly income for staff members who remain totally disabled beyond the period normally covered by salary continuation or sick pay. For a person who has been disabled six months or more, the plan should provide an after-tax income including federal Social Security benefits equivalent in purchasing power to approximately two-thirds of the income he realized after taxes and mandatory deductions prior to his disability. Such income should continue during total disability for the normal period of employment at the institution, with adequate provision for a continuing income throughout the retirement years.

A Statement on Leaves of Absence

A study of faculty benefits other than annuities and insurance was initiated by the Commission on Faculty and Staff Benefits of the Association of American Colleges, one of the precursors of the present Commission on College Administration. This study resulted in the report, by Mark H. Ingraham of the University of Wisconsin with the collaboration of Francis P. King of TIAA, published under the title The Outer Fringe. *From the start it was contemplated that there might be conferences to discuss certain of the topics in the report. In the spring of 1965, TIAA sponsored a series of institutes on staff benefits including retirement provisions and insurance as well as the types covered by* The Outer Fringe. *In addition, it seemed that a more formal conference between representatives of AAC and AAUP concerning leaves of absence would be of value. This conference was held in November, 1965. Those present are listed at the end of the report. It was decided that the findings of the group would be published in order to stimulate thought and discussion concerning the matter, but that at present the report would not be submitted to the two organizations for formal action.*

The report of the conference follows:

The college or university teacher should be a scholar who is constantly increasing his knowledge and keeping abreast of the development of his field. Frequently he is an active investigator, and in many institutions research is a significant portion of his obligations. He should remain a man of vigor with a fresh mind and broad intellectual interests. Heavy teaching duties performed year after year may make this impossible. Leaves of absence and special research assignments at reasonable intervals of time are among the means of assuring that institutions of higher learning have the kind of faculty that they need. A well-developed program of leaves is of major importance in enhancing the professional development of faculty members. Moreover, the work done while the scholar is on leave, for example, through the results of his investigation or his public service, often is of immediate value to society. The health of the faculty members is a constant concern of the college, and leaves are one of the means of protecting it.

Hence among the chief purposes for leaves of absence from college teaching are:

1) The protection or recovery of health;
2) the direct usefulness of the work expected to be done while on leave;

and most important,

3) the professional development of the teacher and thereby the increased effectiveness of higher education.

American universities consider research which expands the boundaries of knowledge as one of their primary functions. Many research assignments, frequently called research leaves, will be given to further the work in the professor's field. The timing and the conditions of such assignments should be determined in large part by the needs of the project and, of course, the other obligations of the institution. A period of time with no interruption of teaching may be followed by periods when research is a man's chief occupation. One man may study the means of improving a departmental course in freshman English, another may participate in or even direct archeological diggings, while still a third will devote his time, with the collaboration of postdoctoral research associates, to investigation in his own laboratory. For certain institutions and in certain disciplines such "research leaves" will be of primary importance and will in general not only best serve the research function of the university but also in many cases be the best means for the professional development of the teacher.

Research and public service, though often contributing to the future usefulness of the scholar, must be judged in large part by the direct results expected of them. As a form of beauty, a great theorem "is its own excuse for being." To serve as an ambassador or to write the social security law is to be useful in the present—not just to prepare for future usefulness.

In the majority of colleges and in many universities, by far the chief purpose of leaves is to insure that the individual becomes and remains as good a teacher as his capacities permit. This means that the young scholar should have as early an opportunity as possible to complete his formal education, and to develop his special field of scholarship on his own after attaining a Ph.D. degree. The opportunity to keep abreast of rapidly developing fields frequently is needed. Nor is old knowledge to be scorned; often it is well to dwell in cultivated fields, not always struggle amid the smoking stumps of the frontier. A change of pace, even a change from one set of frustrations to another, is often needed. Even in the research-oriented institution there are individuals who are better served by a period of sustained general study than by research assignments, and there are times in the development of a research scholar who is also a teacher when it is better to examine the known than to discover the new. Nor should we forget that a wide range of cultural and scholarly interests beyond the field of one's specialty, when enriched by a well-informed mind, is a precious asset to any teacher. Far more frequently than at present, leaves should be planned to nurture such interests. Although a leave should have a purpose, it need not always be tightly structured. Travel, reading, and seeking perspective for his work are primary sources of enrichment for the teacher and hence his students.

It is our belief that leaves, though serving both the personal needs of individuals and the interests of institutions, are primarily an investment of society for strengthening higher education as well as in the accomplishments of the individuals while on leave. A sound policy in regard to leaves, adopted by many institutions, will facilitate such investment because institutions can more generously grant leaves when they can expect to gain in the effectiveness of professors who receive these leaves and to attract stronger men into their faculties.

We do not consider leaves as deferred compensation to be furnished to a man by his institution no matter what other opportunities he may have had for professional development, or to be given him in cash if he resigns to go elsewhere to teach or do some other kind of work, or paid to his estate if he dies. However, faculty members do have a right to conditions of work that afford opportunities for their development as teachers and scholars. An institution has an obligation to provide these opportunities; an increase in a teacher's bank account is no substitute for an increase in his experience and his knowledge.

A college should furnish opportunities for growth to all the scholars on its staff. We do not believe that an institution should provide leaves only to those who are expected to remain on its faculty or, for that matter, even in teaching. An educational institution whose chief purpose is to develop the abilities of those who serve the nation, usually in capacities other than formal education, should not resent improving the minds of those few of its staff who may leave the academic profession.

The length of time since an individual has had an opportunity for intensive professional development, whether furnished by the institution or not, is a major criterion in determining who should be granted leaves. If a man moves from one institution to another, the length of time since his last leave should be considered in determining when he will receive his first leave from his new institution—a move may readily be more exhausting than refreshing, and the values in it are other than those derived from a leave.

Leaves for scholarly or cultural development can be put much more nearly on a periodic basis than research leaves or, of course, than leaves for public service and health. The timing of a research leave is usually related to the state of the project. Neither illness during the working year nor the call of public service comes to all scholars. However, for every teacher the need to learn is constant. Although time may not generate the right to a leave as compensation, it will generate the need for one as opportunity, a need which should be met by an opportunity the faculty member has an obligation to use. The ticking of a clock should be a reminder both to the conscience of the institution and to the conscience of the individual.

In considering whether or not to grant a leave, especially for general development, the institution would be wise not to confuse the clarity of the teacher's plans with the possible value of the leave itself. A leave spent gaining perspective and intellectual breadth, through travel, reading, and a variety of new experiences, may be of greater value than one devoted to a definite and clearly organized, but limited, project. The individual eligible for such a leave has an obligation to plan for the best possible use of the opportunity. It is appropriate for the selection committee to discuss his leave plans with an eligible faculty member and to suggest modifications in them. The committee should strive to make a wise use of funds available rather than to place an undue burden of proof upon the individual.

It is a good investment to give these leaves more frequently to the young than to the old. Yet both the dire results of fossilization and the outraged sense of fairplay preclude a great difference between the two. We believe that leaves should be given right up to retirement so that the skills and knowledge of the teacher-scholar may be further developed. A man may make great contributions in the years just prior to retirement. Moreover, he should retire with the expectation of continued usefulness.

Of course a leave of absence is not a guarantee that a man will increase his effectiveness and, fortunately, many scholars are able to continue their professional growth without leaves. Nevertheless, we consider a well-thought-out and adequately supported plan of leaves to be a major component of a sound educational policy for a college or university. We recognize that it may well be an expensive component. Leaves must compete for funds with salaries, retirement benefits, insurance, additional staff, and occasionally with buildings and the beauty of the campus. Leaves may not be first on the list but they do deserve high priority. Moreover, although some funds may be used for any of a large number of purposes, this is not true of all potential sources of support. If the need is properly presented, money for the professional development of the faculty might be acquired from sources that will not provide money for either buildings or increased salaries. The support of leaves of absence for the faculty members of our institutions, especially of colleges with less adequate means, could well increase the educational and research potential of the nation.

Work leading to an advanced degree is not always the best educational experience for older teachers without such a degree. Universities should plan certain advanced work for these persons which would give them broader insights into their fields than are afforded by the scattered glimpses of narrow segments they now receive. Once it is decided to keep permanently a person without a Ph.D., the judgments relative to his promotion and salary should be made in terms of his proven worth—not in light of the degree he does not have.

Equalization of Opportunities

The funds that an institution may have for leaves with pay should be used in such a manner as to equalize opportunities for professional development among various fields and even among different individuals in the same field. However, it should be recognized that leaves without pay, from the home institution to work elsewhere, differ greatly in the contributions they may be expected to make to this development. In some cases they may be so supported by additional funds for travel and research facilities as to afford greater opportunity to the teacher than does an ordinary leave. Frequently, however, they are by no means the equivalent of a leave with pay and should not be so considered in selecting those who may receive support while on leave.

Length of Leave

Leaves should seldom be for more than one academic year plus contiguous summers or come more often than once in three years. However, this should not be a fixed rule. For example, exceptions can well be made for longer periods of service in public offices, either elective or not. Health leaves sometimes are another case for which leaves longer than a year or more frequently than once in three years are indicated.

Selection of Persons to Receive Leave

The general criteria upon which choices are made should be developed in large part by the faculty of an institution. The effective development of manpower in their profession is an important function of a faculty. Although in many institutions the final responsibility of recommending to the governing board those who are to be granted leaves will rest with the administration, faculty participation in this decision is desirable. Faculty committees on research or on appointments and personnel may well be given advisory or, under some circumstances, primary responsibility for selecting the individuals who will receive leaves. No fixed rule to fit all institutions or even all types of leaves within a single institution can be established.

Caring for Work of Absent Faculty Members

The work of a faculty member while he is on leave can be cared for in many ways. Some large departments can be staffed with the expectation that a certain number of their members will always be on leave. Visitors, as substitutes, often bring fresh ideas to the institution and themselves gain rewarding experiences. At times such visits provide an opportunity for mutual inspection by college and visitor to determine the desirability of a more permanent connection. A new appointment may be made when the department expects to expand within the next year. Overloading one's colleagues and impoverishing course offerings are detrimental to the institution, but perhaps less so than an inadequate program of leaves. The plan sometimes used of paying a man the difference between his salary and the cost of a substitute is pernicious and may lead to watered-down instruction and over-burdened colleagues.

Relation of Leaves to Promotion, Salary Increases and Tenure

Leaves for as long as one year should not interfere with salary increases or promotions. When a faculty member is on leave for more than a year, an institution may lose touch with him to the extent that it can make no reasonable judgment of his development. This argument cannot with realism be advanced for leaves of one year or less, for our judgments are seldom that precise or that up-to-date. Moreover, leaves are so important to the development of a scholar that a young man should not be discouraged from taking them by fear of the effect upon his career.

For faculty members not on tenure, a period on leave should normally count as a part of the probationary period. However, when the leave is of such a nature that the individual's development as a faculty member while on leave cannot be judged, or when the leave is for purposes other than scholarly, the individual should be allowed, on his request, to have the tenure decision postponed for a period equal to the length of the leave. This should only be done by an agreement, preferably in writing, made prior to the leave and clearly understood by the individual, by his department, and by the administration of the institution.

Obligation to Return from Leave

Leaves are often granted under circumstances that place an ethical obligation on their recipient to return to his institution. Special consideration on the part of the institution or his colleagues may lead to such an obligation. It is scarcely fair to expect the college of lesser means, which cannot afford to recruit at the Ph.D. level, to give financial aid toward the graduate work of young men who will not return to the institution. We should not demand greater generosity from the poor than from the wealthy even if we have learned to expect it.

If the leave was accepted under agreement to return, this agreement of course should be honored.

Even when there is no obligation to return, the faculty member on leave should observe the same rules of adequate notice of resignation that he would if he were not on leave.

An institution should not knowingly invite a man who is on leave to join its staff when it would not be proper for the man to accept. At times it would seem only equitable, if an institution makes an offer to a man on leave and expected to return, for it to take over a part or all of the expenses of his leave since it will be the most direct recipient of any institutional benefits derived therefrom.

However, there are many moral obligations that should not be enforced by legal means. Institutions are not wise to retain the less conscientious and the discontented by rules that are not needed to retain the fair-minded and the happy. We believe that when a leave is granted for graduate study or under other conditions that place an unusual obligation on the individual, a statement that it is granted with the expectation that the individual will return would work better than the more stringent rules, even contracts, now in frequent use. Moreover the normal leave should usually be given without even an implied obligation to return, although such return may be expected.

Continuation of Insurance and Annuity Provisions

Institutional participation in faculty retirement and group insurance plans should be continued for staff members on leaves of absence with pay. This is a part of their regular compensation.

An institution's retirement plan should be so organized as to accept voluntary annuity contributions from employees on leaves of absence without pay. Those institutions that continue their contributions towards retirement annuities for faculty members on leaves without pay are generous—wisely generous.

During leaves of absence without pay, an institution should continue its group life, health, and total disability insurance for faculty members unless equally adequate protection is otherwise provided for the individual.

If, however, a member on leave without pay becomes a full-time employee of another institution or organization, it is reasonable to expect the employing institution to assume the cost of institutional contributions to the individual's retirement annuity and group insurance coverage. Foundations supporting leaves for scholarship should include an amount sufficient to maintain institutional annuity and group insurance contributions along with salary in establishing the total grant.

If during a man's absence there has been any discontinuation of insurance or provisions for annuities, there should be no waiting periods before coverage is resumed upon his return.

Amount Paid to Faculty Members on Leave

We recognize that for many institutions the present goal should be to reach the norm of allowing faculty members, at least once in each seven years, if they have no other equivalent opportunity for professional growth, a leave of a year on half pay or a half year on full pay. It is also clear that for many faculty members it is not feasible to take a year on half pay unless supplementary funds are available from other sources and that even a semester away on full pay may represent a severe financial strain upon the individual. Institutions which have already attained the normal arrangement should look forward to improving it by helping their members in seeking outside grants to supplement the salary provided or by acquiring special institutional funds for the purpose, as well as by paying a higher percentage of salary on leaves of longer than a semester, ultimately perhaps 100 percent. Grants for support during the summer months to assure freedom for scholarship before or after a period of leave have been found to be especially productive.

Summary

Leaves of absence are among the most important means by which a teacher's effectiveness is maintained and enhanced and a scholar's usefulness enlarged. A sound program of leaves is therefore of vital importance to a college or university. Hence adequate budgetary provisions should be made for it and sound principles of procedure established.

It is recognized, however, that the resources of an institution may be so limited that a satisfactory program of leaves may not be immediately feasible.

As elsewhere in the educational enterprise, accepted policies and procedural principles should afford flexibility to meet the needs of the individual and of the institution.

A program of leaves is an investment in a great national asset—the teacher-scholar. It should promote the professional development both of those members of the faculty who are most likely to stay at the institution for a long period and, although not necessarily to an equal degree, of those for whom there is no such assurance. Leaves are not deferred compensation, but the continued effectiveness of the faculty member demands that leaves or equivalent opportunities for professional development be afforded at regular intervals. Not all such opportunities will be paid for by the institution, and it should use its funds to equalize the means of professional development among the various fields and even within each field.

It is an obligation of the individual to make use of all available means, including leaves, of heightening his present usefulness and his future effectiveness. Leaves are a means to this end.

Leaves without pay for public service, research, or teaching elsewhere should be granted when it is possible to do so without serious harm to the educational program of the institution.

In granting leaves, evidence that they will produce presently useful results or increased future effectiveness should be considered. The individual eligible for a leave should plan ahead for the best use of his opportunity. Administrators and faculty members of the committee determining leaves should encourage individuals to make such advance plans and may even suggest changes in them, but would be unwise to treat the plans as the only basis for granting leaves. We must not forget that a plan which is designed to provide broad perspective and cultural experience, and which is tentative in detail, may often be better than one that, even if definite, is more rigid in nature and more limited in scope.

Colleges that grant leaves for graduate work should be willing on occasion to do so when the work is not directed towards an advanced degree. Universities with extensive graduate programs should develop offerings especially planned to increase the effectiveness of mature college teachers.

Previous service at another institution since a faculty member's last leave is one of the factors that should be taken into consideration in determining eligibility for leave.

The institution has a right to deny a request for a leave, either for financial or educational reasons, even if the faculty member is eligible and the purpose of the leave is valid. It should strive to deny appropriate leaves as infrequently as possible and, when forced to, with as much equity as is attainable, considering both the purpose for which the leave is requested and the time since the individual has had equivalent opportunity for scholarly growth. Policies in this regard should be developed with full faculty participation. The faculty should have a role in making specific decisions.

Leaves usually should not be more than a year in length nor come more frequently than once in three years. Exceptions to this rule should be possible, especially for leaves in the public service.

The amount that a man is paid while on leave should not depend on the cost of caring for his work while he is absent.

Leaves of a year or less should not interfere with faculty members' promotions or increases in salary. If a faculty member has not secured tenure when he takes a leave, the period on leave should count as part of the "probationary period," unless there is a clear understanding prior to taking leave that this will not be the case.

The faculty member should consider it an obligation to:

1. Make the request for leave at a reasonable time in advance and through established procedures, except under unusual circumstances.
2. Not accept an appointment elsewhere at a time later than would be considered ethical if he were not on leave.
3. Return from leave of absence when the circumstances of granting the leave indicate that this is the only equitable action—frequently the case when leaves on pay are granted to pursue graduate study. He should of course honor any agreement to return which he has made.

The institution is wise to trust the faculty in these matters rather than to create formal rules or contractual relations to enforce obligations. Moreover, the granting of a leave under normal circumstances should not create an obligation to return.

A college or university should not knowingly invite a man to join its staff at a time when he cannot honorably accept the invitation. An institution may well pay for all or part of a man's leave when it invites him to move while on leave.

Coverage under various types of insurance programs should be continued while a faculty member is on leave. Contributions toward retirement annuities should be continued by both the institution and the individuals for those on leave with pay. It is also desirable to continue these contributions when the leave is without pay. Although an institution cannot be asked to carry this expense, it is praiseworthy when an institution is willing to do so.

As funds become available, an increasing percentage of a man's salary should be paid when he has a yearlong leave for scholarship, and supplements for travel or other purposes of the leave would be desirable.

Present at the conference were:
Peter H. Armacost, AAC
William J. Baumol, Princeton University
J. Douglas Brown, Princeton University
Fred C. Cole, Washington and Lee University
Bertram H. Davis, AAUP
Winston Ehrmann, AAUP
Paul Fenlon, AAUP
William P. Fidler, AAUP
William C. Greenough, TIAA
Peggy Heim, AAUP
Edwin V. Holland, Frostburg State College
Mark H. Ingraham, University of Wisconsin
Robert P. Ludlum, Adelphi University
James J. McGinley, S.J., Canisius College
Neill Megaw, Williams College
Carter Murphy, Southern Methodist University
James Papke, Purdue University
Frank A. Rose, University of Alabama
Sharvy G. Umbeck, Knox College
F. L. Wormald, AAC

Constitution of the Association[1]

Article I—Purpose

The name of this Association shall be the American Association of University Professors. Its purpose shall be to facilitate a more effective cooperation among teachers and research scholars in universities and colleges, and in professional schools of similar grade, for the promotion of the interests of higher education and research, and in general to increase the usefulness and advance the standards, ideals, and welfare of the profession.

Article II—Membership

1. There shall be four classes of members:

a. *Active Members.* Any person who holds a position of teaching or research in a university or college in the United States or Canada, or in the discretion of the Council in an American-controlled institution situated abroad, or in a professional school of similar grade may be admitted to Active membership in the Association.

b. *Junior Members.* Any person who is, or within the past five years has been, a graduate student may be admitted to Junior membership. Junior members shall be transferred to Active membership as soon as they become eligible.

c. *Associate Members.* Any member who ceases to be eligible for Active or Junior membership because his work has become primarily administrative shall be transferred to Associate membership.

d. *Emeritus Members.* Any Active or Associate member retiring for age may be transferred at his request to Emeritus membership.

2. The admission of members shall require two steps:

a. *Application.* Applications for Active and Junior membership shall be made to the General Secretary of the Association.

b. *Acceptance and Notification.* When an applicant's eligibility has been determined, it shall be the duty of the General Secretary to inform him promptly that he has been accepted to membership, and to include his name in the list of new members sent to chapter officers. A person's membership may be protested, on grounds of eligibility, by an Active member of the Association. If a majority of the members of the Committee on Membership and Dues votes to sustain the protest, the person in question will be informed that his membership has ceased to be effective.

3. A member may resign by notifying the General Secretary, and may be expelled for cause by a two-thirds vote of the Council after opportunity for a hearing. Membership shall be forfeited by nonpayment of dues under conditions to be established by the Council.

Article III—Officers

1. The officers of the Association shall be a President, a First Vice-President, a Second Vice-President, who are elected by the Active members of the Association, and a General Secretary, a Treasurer, and General Counsel, who are appointed by the Council of the Association.

2. The term of office of the President and the Vice-Presidents shall be two years, and shall expire at the close of the last session of the Annual Meeting following the election of their successors, or if a meeting of the Council is held after and in connection with the Annual Meeting, at the close of the last session of the Council.

3. The President and the Vice-Presidents shall have the duties usually associated with these offices. The President shall preside at meetings of the Association and the Council. He shall appoint all committees of the Association and shall be *ex officio* a member of all except the Nominating Committee. He shall also be a nonvoting *ex officio* member of the governing bodies of all conferences.

4. The General Secretary shall carry on the work of the Association under the general direction of the President, preparing the business for meetings and keeping the records thereof. He shall conduct correspondence with all constituents of the Association. He shall collect the membership dues and any other sums due the Association and transfer them to the Treasurer. He shall have charge of the office of the Association and be responsible for its efficient and economical management. He shall be a nonvoting *ex officio* member of the governing bodies of all conferences. He may with the approval of the President delegate any of these duties

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[1] Last amended at the Fifty-third Annual Meeting of the Association, at Cleveland, Ohio, April 28-29, 1967.

to other members of a professional staff appointed by the Council.

5. The Treasurer shall receive all moneys and deposit them in the name of the Association. With the authorization of the Council, he shall invest any funds not needed for current disbursements. He shall pay all bills approved by the General Secretary. He shall make a report to the Association at the Annual Meeting and such other reports as the Council may direct. He may with the approval of the Council authorize an Assistant Treasurer to act for him. The financial records of the Association shall be audited annually by an external agency, and the report of the audit shall be published.

Article IV—The Council

1. The President, the Vice-Presidents, the General Secretary, the Treasurer, the General Counsel, and the Chairman of the Assembly of State and Regional Conferences, together with the three latest living ex-Presidents, shall, with 30 elective members, constitute the Council of the Association. Ten members of the Council shall be elected each year in the manner provided in this Constitution, to serve for three-year terms, according to the provision governing the terms of the officers.

2. The Council shall carry out the purposes of the Association and, subject to the authority of a meeting as defined in this Constitution, act for the Association. The Council shall (a) determine, for each class of members, the annual dues and regulations governing their payment; (b) manage the property and financial affairs of the Association, with power to accept gifts to the Association; (c) construe the provisions of this Constitution; (d) provide for the publications of the Association; (e) appoint and determine the salaries of the General Secretary, members of a professional staff, General Counsel, and Treasurer; (f) determine the time, place, and program of the Annual Meeting and convene special meetings of the Association at its discretion; (g) publish a record of its meetings to the membership; (h) authorize the establishment of committees of the Association; (i) authorize the establishment of regional offices of the Association; and (j) authorize reapportionment and redistricting of the membership not less than once each decade.

3. As a representative of both the Association and his district, each member of the Council shall promote the exchange of ideas between the Council and the membership. He may receive and transmit to the Council the proposals of members, chapters, and state and regional conferences within his district. He shall be a nonvoting *ex officio* member of the governing committees of those conferences.

4. Meetings of the Council shall be held in connection with the Annual Meeting of the Association and at least at one other time each year, upon not less than two weeks' notice to the Council. Ten members elected from districts shall constitute a quorum. The Council may also transact business by letter ballot. A special meeting of the Council shall be called by the President on the written request of at least eight members of the Council.

5. The President may, with the advice and consent of the Council, appoint an Executive Committee of not fewer than six Council members, including the President and First Vice-President *ex officio*. Between meetings of the Council, the Executive Committee may exercise such powers as the Council has delegated to it and, under unforeseen exigencies, exercise other powers subject to the subsequent approval of the Council. Meetings of the Committee may be called by the President.

Article V—Election of Officers and Council

1. Only Active members are eligible for election as officers or members of the Council. Nominations for the elective offices to be filled and for membership on the Council shall be made by a Nominating Committee of five or more members, not officers or other members of the Council, appointed by the President with the advice and consent of the Council. Before submitting to the Council for approval his appointments to the Nominating Committee, the President shall invite suggestions in writing from the members of the Council as to the membership of the Committee. The Committee shall be chosen each year in time to seek and receive suggestions from the members, chapters, and conferences of the Association with regard to persons to be nominated, and to meet and submit its report to the General Secretary, for publication to the members not later than October 1.

2. One member of the Council shall be elected each year from each of ten geographical districts formed with regard to the distribution of the Association's membership and to geographical contiguity. In preparation for an election, the Nominating Committee shall nominate two Active members of the Association from each district for the position on the Council to be filled from the district.

3. Nominations for members of the Council may also be made by petitions signed by at least 50 Active members of the Association resident within the district from which the Council member is to be chosen, provided that in determining the required number of signatures not more than ten shall be members at a single institution. Nominations for the Presidency and the Vice-Presidencies may also be made by petition signed by at least 150 Active members of the Association, provided that in determining the required number of signatures, not more than 15 of those signing a petition shall be members at a single institution and not more than 90 shall be members in a single district. No member shall sign more than one petition for the same office. Petitions presenting nominations shall be filed in the office of the General Secretary not later than November 15.

4. The General Secretary shall prepare ballots containing the names of all nominees to office and to Council membership, with relevant biographical data and a statement of the method of nomination. Ballots shall be mailed to all Active members of the Associa-

tion in January and the polls shall be closed two months after the mailing. The nominee receiving a plurality of votes shall be declared elected. The President, the Vice-Presidents, and the retiring elective members of the Council who have served full terms shall not be eligible for immediate reelection to their respective offices.

5. A vacancy occurring on the Council or in the Second Vice-Presidency shall be filled by a majority vote of the Council for the unexpired term.

Article VI—Meetings of the Association

1. The Association shall meet annually except when prevented by war or other national emergency. The General Secretary shall give notice to the membership of a meeting at least 30 days in advance. A quorum shall be a majority of the delegates registered for a meeting. A meeting of the Association shall have authority (a) to amend the Constitution in the manner herein provided; (b) to express its views on professional matters; (c) to act on recommendations presented to it by the Council; (d) to require the Council to report to the ensuing meeting on subjects within the province of the Association; (e) to propose action which, upon concurrence by the Council, shall become the action of the Association; and (f) in the event of disagreement between the Council and a meeting of the Association, to take final action as provided in the following section.

2. If the Council declines to concur in a proposal of a meeting of the Association, it shall report its reasons to the ensuing meeting. If that meeting concurs in the action of the previous meeting, the action shall become that of the Association. An action of the Association reached (a) by concurrence of the Council in an action of a meeting of the Association or (b) in two successive meetings shall not be changed except by the joint action of the Council and a meeting of the Association or by two successive meetings of the Association.

3. The Active members of the Association in each chapter may elect not more than one delegate from that chapter for each 25 Active members or fraction thereof at the institution, to each meeting of the Association. All members of the Association shall be entitled to the privileges of the floor, but only Active members may vote. On request of one fifth of the delegates present, a proportional vote shall be taken. In a proportional vote, the accredited delegates from each chapter shall be entitled to a number of votes equal to the number of Active members at the institution, but any other Active member not at an institution thus represented shall be entitled to an individual vote. In case a chapter has more than one delegate, each delegate may cast an equal portion of the votes to which the chapter is entitled.

4. Except as provided in this Constitution or in rules adopted pursuant to it, the meetings of the Association shall be governed by Robert's *Rules of Order.*

Article VII—Chapters

1. Whenever the Active members in a given institution number seven or more, they may constitute a chapter of the Association. More than one chapter may be established in an institution when its parts are geographically separate. Each chapter shall elect, from its Active members, at least biennially, a President, a Secretary, and a Treasurer (or Secretary-Treasurer), and such other officers as the chapter may determine. It shall be the duty of the Secretary of the chapter to report to the General Secretary of the Association the names of the officers of the chapter, and to conduct the correspondence of the chapter with the General Secretary.

2. All Active, Junior, and Emeritus members in the institution, but not other members of the faculty, shall be eligible for membership in the chapter. Junior and Emeritus members may vote in chapter meetings at the discretion of the chapter. Associate members may attend meetings by invitation of the chapter.

3. A chapter may establish local membership dues. It may meet with other chapters and with other local organizations. Its actions shall be in harmony with the principles and procedures of the Association.

Article VIII—State and Regional Conferences

Upon approval by the Council, several chapters may organize a conference of the American Association of University Professors which shall be open to all chapters and unaffiliated members within the area or group. A conference may consider and act upon professional matters which are of concern to the member chapters, but its action shall not bind the member chapters without their authorization and shall be in harmony with the principles and procedures of the Association. All conferences are entitled to participate in the activities of the Assembly of State and Regional Conferences. Formal recommendations on the purposes, structure, and work of the Association from conferences and the Assembly of State and Regional Conferences shall go to the Council for consideration and possible transmission to meetings of the Association.

Article IX—Amendments

This Constitution may be amended by a two-thirds vote of a meeting of the Association. An amendment may be initiated by the Council or proposed to it by not fewer than ten Active members. At its next meeting, the Council shall approve, amend, or disapprove a proposal submitted to it, and report its conclusions to the proponents. It shall report through the General Secretary to the membership, at least one month before a meeting of the Association, a proposal which it initiates or approves. Upon failure of agreement between the Council and the proponents of an amendment, the proponent may, with the concurrence of at least five chapters, secure submission of their proposal to the next meeting of the Association by communicating it to the General Secretary at least three months in advance. The General Secretary shall transmit all amendments thus proposed to each member at least one month before the meeting.